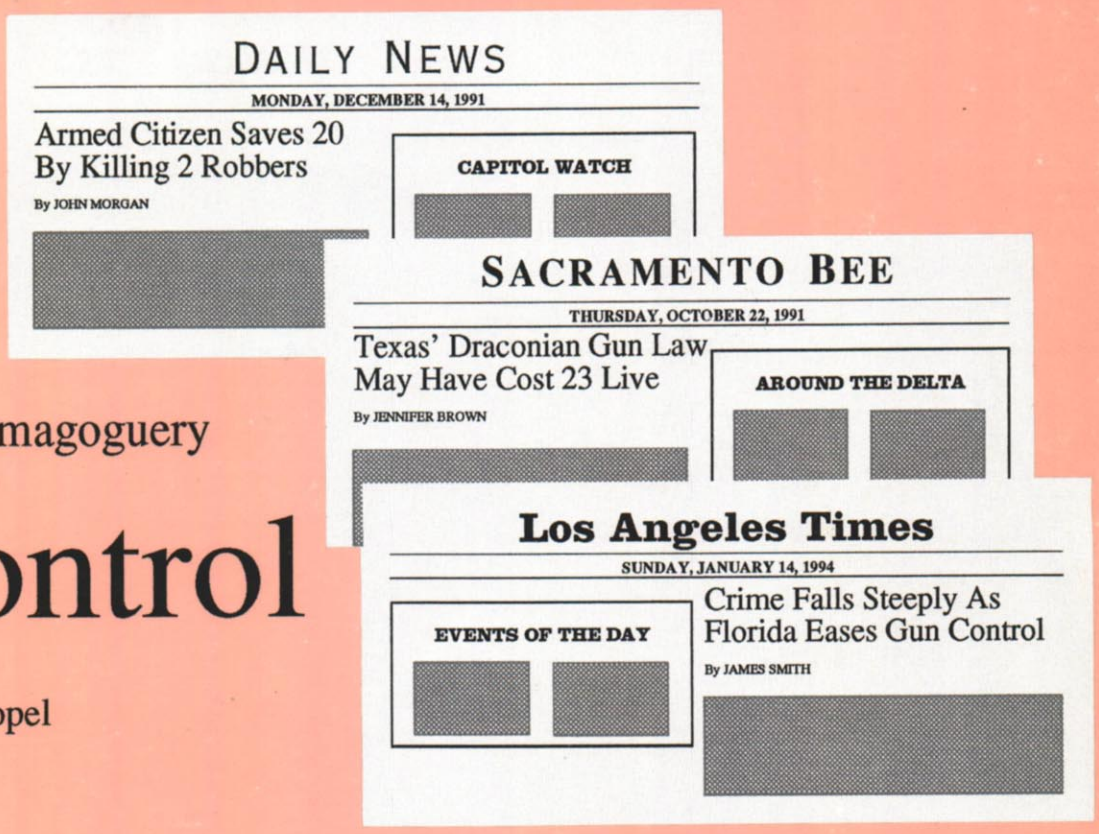
$6.00

T. R. O'Neill-Lopez Applies The
'Limbaugh Standard'

California Political Review

Truths We'll Never See In Headlines


DAILY NEWS
MONDAY, DECEMBER 14, 1991
Armed Citizen Saves 20 By Killing 2 Robbers
By JOHN MORGAN
CAPITOL WATCH
SACRAMENTO BEE
THURSDAY, OCTOBER 22, 1991
Texas' Draconian Gun Law May Have Cost 23 Live
By JENNIFER BROWN
AROUND THE DELTA
Los Angeles Times
SUNDAY, JANUARY 14, 1994
EVENTS OF THE DAY
Crime Falls Steeply As Florida Eases Gun Control
By JAMES SMITH

Ignorance plus demagoguery
equals

Gun Control

David B. Kopel

Unrepentant Character Assassin

Dan Walters — the Thomas More
of the 1990s?

John Kurzweil

Also:

Transcending NOW
Barbara C. Lydick

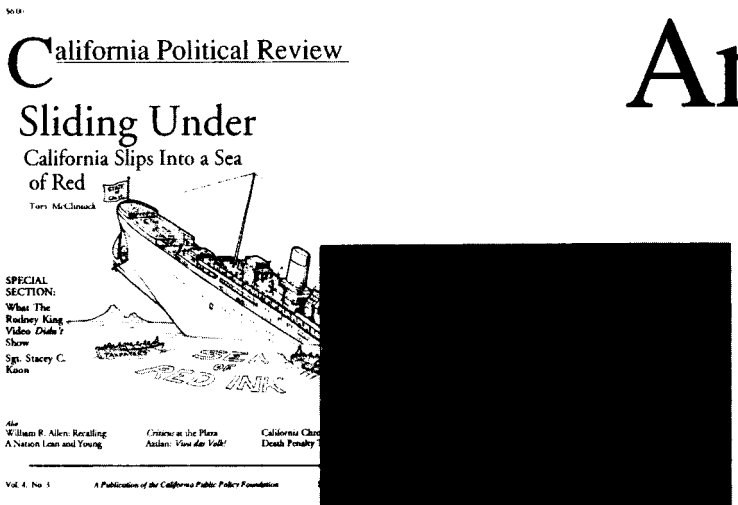
Mark S. Pulliam's
So-Called Undesirables

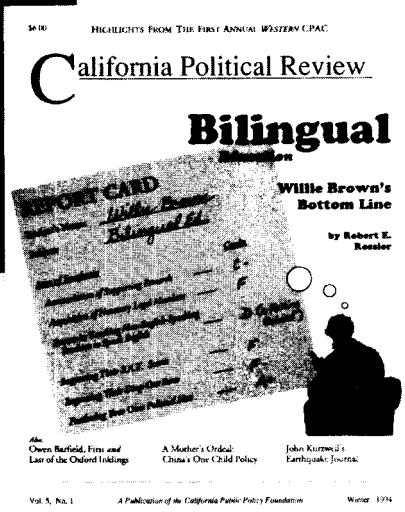
Tim W. Ferguson: Is Press
Missing Next '3 Strikes'?

Vol. 5, No. 2 *A Publication of the California Public Policy Foundation* Spring 1994

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

An Opening for Common Sense





"The beginning of political wisdom is the recognition that liberalism is at the end of its intellectual tether."
— Irving Kristol

What used to be called "liberalism" has degenerated into reflexive attacks on everything from the family car to free speech to the Boy Scouts — a movement without a mind and with nowhere to lead. Common sense is the cure — find it in the pages of *California Political Review*. Subscribe today!

I can't tell you how impressed I am with California Political Review. — William A. Rusher

California Political Review's pages reflect the common sense conservative principles that guided the administrations of Ronald Reagan in which I was privileged to serve — a refreshing voice on California's political scene. — Hon. Edwin Meese III

California Political Review is filling a critical need in the Golden State. — Bruce Herschensohn

Send me a full year of *California Political Review* (FOUR quarterly issues *plus* FOUR issues of *CPR Update, CPR's* between issues newsletter) for just $24.95 — more than 15% off the cover price! ___ I have enclosed my check (payable to the California Public Policy Foundation) OR ___ Bill me after my first issue. If I am not satisfied, I may write "cancel" on my bill and return it within 15 days, owing nothing.

Call: 1-800-887-7676

or send this form to the address below. Thank you.

Name _____
Please Print
Address _____
City _____
State _____ Zip _____

California Political Review

Must reading for informed Conservatives

Post Office Box 56671, Sherman Oaks, California 91413-1671

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California Political Review

Spring 1994

Articles

Ignorance + Demagoguery = Gun Control 23

America's 20,000 gun control laws have had no significant impact against criminal violence; so-called "assault weapons" differ from hunting rifles only in appearance; David Roberti helped suppress evidence about the futility of his "assault weapons" ban; the Brady Bill would not have helped Jim Brady — a few truths that (if the media ever told them) might preserve our best defense against violent crime.

by David B. Kopel

Unrepentant Character Assassin 16

Dan Walters responds, in his own way, to *CPR Update's* article on the Prosecution of Pat Nolan and raises a question: How might Walters handle a Nolan-like trial-by-ordeal of his own?

by John Kurzweil

Firing on Goliath 19

The 'Leonard Law' and the Individual Rights Foundation spell trouble for campuses suppressing free speech.

by Maura Whalen

So-Called Undesirables 21

Judges run counter-culture experiments using our cities as guinea pigs. When will we shout "Enough"?

by Mark S. Pulliam

Departments

California Chronicles 3
Stanford Subsidizes "Queer '90s"
Anne McFadden

Sacramento Spectator 8
An Innocent Man
A.P.C.

Transcending NOW 9
An Alternative for Women to The Vocal Few
Barbara C. Lydick

The Academy 11
Taking Affirmative Action 'Very Seriously'
William R. Allen

The Working Press 12
Is the Press Missing the Next 'Three Strikes'?
Tim W. Ferguson

Eye on L.A. 15
A Solution for Dysfunctional Liberalism: Work
Paul Ciotti

Arts and Culture

Criticus 29
Happy Holy Days
G. B. Tennyson

Books 32
The Cost of Talent: How Executives and Professionals Are Paid and How It Affects America, Derek Bok
Reviewed by David F. Faustman

Popular Culture 33
The 'Rush Limbaugh Standard' Applied To Those *Other* Talk Shows
T. R. O'Neill-Lopez

Correspondence 2
Commentary 5
Notebook 7

A publication of the California Public Policy Foundation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Correspondence

I Missed It News

Robert Rossier's thorough examination of the politics of "bilingual ed" ("Bilingual Education," *CPR,* Winter 1994) is the sort of thing I've been waiting to read in my local paper, but haven't. Unless I've been missing a great deal, the *L.A. Times* has all but completely ignored this major scandal.

Imagine some right-wing Republican education secretary in Sacramento ignoring the express will of the Legislature and the governor by keeping alive a conservative program formally "sunset" as Honig did with bilingual! The howl from the press would be deafening. I can just hear the *Times'* editorial staff unctuously bellowing about abuse of power and contempt for the democratic process. But with Honig, a liberal, everything is excusable.

Matthew Green
Los Angeles

Legacy of '92

Since the '92 election, we have subscribed to *National Review, Conservative Chronicles, Policy Review,* and the Family Research Council's *Washington Watch. CPR* is our source for California "right thinking." Thank you — you are providing a public service.

Laurie L. Stone
Saugus

Getting Facts 'Wright'

Thank you "A.P.C." (whoever you are) for finally setting the record straight about erstwhile conservative state Senator Cathie Wright ("Sacramento Spectator," *CPR,* Winter 1994). The best thing about your "Spectator" column is that it says things a lot of people in and around state government know, but which almost no one ever says, in public or in print anyway.

J.W. Peterson
Sacramento

Bawdy Solecism

My letter ("Correspondence," *CPR,* Winter 1994) as printed omitted a line and, as a result, managed to provide a rather humerous if not bawdy solecism which also happened to be totally irrelevant. Where I wrote: "What about that three-letter word 'sex' — ? Is it a good idea to mandate that we not 'discriminate' or offer 'preferential treatment' on the basis of sex, when in all honesty we do it every day?" *CPR* printed: "What about that three-letter word 'sex' — Is it a good idea to mandate that we do it every day?" About which possibility, no further comment, especially at my age.

W. Edward Chynoweth
Sanger

Our profound apologies. There are *gremlins in the type-setting equipment. At least they have a sense of humor.*
Editor

Western CPAC

It was interesting to read the pithy thoughts of the all-star cast — Herschensohn, Williams, et. al. — at the Western Conservative Political Action Conference *(CPR,* Winter 1994) and even more interesting to learn that conservatives here are finally beginning to do something about getting together. This is long overdue.

Jack Malapie
Culver City

Not to throw cold water on what probably is a good idea, but I can't help thinking that *another* conference, even one made up of conservatives, is just one more opportunity to substitute talking for doing. I applaud all the effort that must have gone into putting on Western CPAC, but unless it leads to real work out there in the real world, it might do more harm than good by draining off energy that might otherwise have been used, say, to win elections in the precincts.

Mark L. James
Anaheim

It is high time conservatives of various stripes — law-and-order, religious, pro-crime-victim, anti-tax, anti-communist, anti-gun control, pro-educational choice, libertarian, prolife, etc. — began talking *directly* to one another rather than *through* the news media. The media is mostly run by people who don't understand what we stand for and, often, don't like what we say about it. They play up divisions "on the right" because it's easy and it makes a good "story" — but it's misleading because it's incomplete. Our common interests rarely come through. Instead of infighting, we should be co-operating against the common foe: the left. So three cheers for Western CPAC and more straight talk, group to group, among conservatives. Much more remains to be done.

Mary Ann Jeffries
San Jose

CPR

California Political Review

A publication of the California Public Policy Foundation

John Kurzweil *Editor & Publisher*
Jan Edwards *Managing Editor*
William R. Allen *Economics Correspondent*
Anne McFadden *California Chronicles*
Tim W. Ferguson *The Working Press*
Mark S. Pulliam *Legal Issues Correspondent*
T. R. O'Neill-Lopez *Popular Culture*
Gene Foley *Business Manager*
Paul McCauley *Business Services*
Charles Bell *Legal Advisor*

Editorial Board

Joseph Farah, Peter Hannaford, David Horowitz, Harold Johnson, Manuel S. Klausner, William Rusher, William Saracino, G. B. Tennyson

California Political Review is published quarterly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, *California Political Review,* Post Office Box 56671, Sherman Oaks, CA 91413-1671. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $30 yearly (four issues of *California Political Review* plus four issues of *CPR Update*); students: $15 yearly. Outside U.S. add $4/year surface, $20/year airmail.

California Political Review is copyrighted by the California Public Policy Foundation.

California Political Review is published quarterly for $30 per year by the California Public Policy Foundation, 15456 Ventura Blvd., Ste. 300, Sherman Oaks, CA 91403. Application to mail at second-class postage rates is pending at Van Nuys, California. POSTMASTER: Send address changes to *CALIFORNIA POLITICAL REVIEW,* P.O. Box 56671, Sherman Oaks, CA 91413-1671.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California Chronicles

Anne McFadden

California Chronicles welcomes information about conservative groups, publications, and activities — also news of liberal fraud, fatuousness, and foibles (especially appreciated). Contact: Anne McFadden, P.O. Box 783, Santa Monica, CA 90406-0783.

Intercollegiate Studies Institute

Stanford Subsidizes "Queer '90s"

"Universities in the Queer '90s: Extending Benefits, Redefining Roles," an article in the Intercollegiate Studies Institute's Winter *Campus* magazine by Stanford University junior Adam Ross, details the growing power of the homosexual movement, in particular its ability to influence course curriculum and campus administrative policy.

Ross describes the University's preference (to make up for "past discrimination") for granting benefits to "partners" of homosexual couples over heterosexuals. A University subcommittee report on Stanford's "Domestic Partners Benefits" policies quoted former Stanford President David Kennedy: "The subcommittee is unanimous in the view that the case for extending benefits to heterosexual partners is weaker than for gay and lesbian partners. As a result, the subcommittee recommends that if current cost considerations militate against extending coverage to both groups, coverage be extended now to gays and lesbians, and the question of coverage for heterosexual partners be considered at a later date." Some administrators felt this recommendation did not go far enough. Associate Professor Katherine O'Hanlan called on Stanford to "rectify the injury to those denied a marriage license," to "lead the way in eradicating discrimination," and to take the "moral high ground" in supporting "average American citizens leading productive lives." Ross also reports on Stanford's and other Universities' "gay studies" courses and student reaction to them.

ICS publishes *Campus* three times yearly. It is a student-written, student-edited forum for sane students addressing a wide range of collegiate issues, emphasizing suppression of free speech by the left on campus. Contact: *Campus,* 14 S. Bryn Mawr Ave., Bryn Mawr, PA 19010-3275, 800/526-7022.

Pacific Legal Foundation

Another Government Land Grab

Pacific Legal Foundation has joined property rights groups across the country in filing an *amicus* brief in the case of *Dolan v. City of Tigard.* When John and Florence Dolan attempted to enlarge their plumbing company, the city of Tigard, Oregon, insisted they donate part of their property — about 10 percent — for a drainage area, a bike path, and a pedestrian walkway in return for a development permit. Oregon's Supreme Court ruled for the city, informing the Dolans they could avoid losing their land by withdrawing their permit application. The U.S. Supreme Court is due to hear their appeal in March or April. Contact: Pacific Legal Foundation, 2700 Gateway Oaks Drive, #200, Sacramento, CA 95833, 916/641-8888 ***or*** Defenders of Property Rights, 6235 33rd St. NW, Washington D.C. 20015, 202/686-4197.

San Joaquin County Land Alliance

Green Indoctrination in Public Schools

On the subject of California-based property rights groups, the San Joaquin County Land Alliance is a volunteer organization whose monthly newsletter, *Alert,* reports on environmental extremism around the state. *Alert* recently described an invasion of Placer County high schools by the Santa Cruz-based Youth for Environmental Sanity. Students at attendance-required sessions heard lengthy "green"-propaganda messages, including calls to boycott products of Environmentally Incorrect companies.

Alert also reported a lawsuit against the Sierra Club foundation

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by a New Mexico resident who gave it $100,000 in stock for the purchase of "grazing land." The donor contends the Sierra Club instead used the money to purchase prime San Francisco real estate. Contact: San Joaquin County Citizens Land Alliance, 12067 West Lammers Road, Tracy, CA 95376, 209/835-6467.

Coalition on Urban Affairs

Escaping the Welfare Trap

Welfare recipient Star Parker, surveying the crime and drug-ridden surroundings plaguing many blacks on welfare, concluded that the Jesse Jackson, Maxine Waters-style "dream" of government "assistance" is really a trap leading to dependence and despair. She realized that genuine "economic empowerment" is achieved on an individual basis, that charity, to work constructively, must be given voluntarily from the heart and accepted for what it is *(not* as an "entitlement"), and that religion, unlike government, gives people a way to help one another that raises both the giver and the recipient rather than dragging both down.

She founded *NFTA* magazine (from Hebrews 10:25 — "not forsaking the assembling," a reference to peoples' need to stay active in religion) and, later, the non-profit NFTA Coalition on Urban Affairs, which currently includes more than 1,000 Churches. Parker's efforts provide a voice for blacks whose traditional and conservative views are ignored by the Liberal Plantation's designated black "spokesmen." Contact: Star Parker, NFTA Coalition on Urban Affairs, 6033 W. Century Blvd., #400, Los Angeles, CA 90045, 800/900-1618.

ICS

Center for Self-Governance

The Institute for Contemporary Studies (ICS), a San Francisco-based think tank with a more than 20-year track record of "promoting the self-governing and entrepreneurial way of life," has launched the Center for Self-Governance. The Center will train and assist citizens in the formation of local action foundations. These, in turn, will disseminate information and carry on projects that encourage "solutions" to "problems" that employ free market and voluntary methods that work and that aren't just occasions for government to take even more control over our lives. The Center is currently working in San Francisco with the Citizens Alliance for Community Empowerment. A diverse group of businessmen, community leaders, and tenants, the Alliance is helping public housing residents to exercise responsible, self-governing leadership (rather than relying on Big Brother) in, for instance, their fights against crime and drug use. Contact: Institute for Contemporary Studies, 720 Market Street, San Francisco, CA 94102, 415/981-5353.

In Brief

The Young Conservative Council of America, a political Christian youth group, publishes *The American Review* quarterly whose contributors are 19-years of age or younger but which has a distinctly grown-up look and writing style. The current — Winter '94 — issue features: "Guns and the People Who Hate Them" by Christian M. Butler. Contact: YCCA, Dept. AR, Box 33652, Granada Hills, CA 91394 .... A newsletter, *Contra-PC,* is now available, providing articles and information that counteract Politically Correct dogma. Contact: *Contra-PC,* Attn: Peter D. Lepiscopo, 2635 Camino del Rio South, #108, San Diego, CA 92108, 619/440-1703 .... Catholic Home Educators for Christ the King will hold its Second Annual Home Education Conference — "A conference," according to its flyer, "for home-educating Catholics, Catholic parents considering home education and for those interested in the formation of their children in the Catholic faith" — July 30, 1994, at the Pasadena Convention Center. Contact: Mary Ann Shapiro, 818/441-7714 .... Congratulations to America's leading conservative think tank: The Heritage Foundation, on its 20th anniversary. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Commentary

Editor's Note

CALIFORNIA POLITICAL Review's editor, John Kurzweil, has taken a position with a high-profile election campaign in California. Neither this publication nor the California Public Policy Foundation which publishes it endorse or oppose candidates or intervene in any candidate elections. To keep this point clear, coverage of that particular high-profile campaign will not appear in these pages. We apologize to our readers for this unavoidable gap in *CPR's* reporting.

Lifetime Perk

MEMBERS OF Bellflower's School Board voted to give themselves (at taxpayer expense) full medical, vision, and dental benefits — for *life.* Previously each member received the benefits plus a modest salary of $240 per month, but only *while* serving on the board. According to the new rules, any member who hangs on for 12 years will continue to receive the full package as long as he lives — a good incentive to push for school board term limits. The lifetime perk was approved shortly after the district reduced library and custodial services to balance the budget.

Politically Correct Racism

MORE THAN 5,000 Southern Californians recently learned a lesson about liberal racism, with a little "genderism" thrown in. These 5,000 were prohibited from taking the firefighters exam in Los Angeles because they were non-Latino white males. Following a hiring freeze, this test was the first to be offered in four years, and many hopeful applicants asked to take it. But only those white males who'd applied before *1989* were eligible; minorities could register the day of the exam and take the test without delay.

THE CITY explained that it had to limit whites to 25 percent among the test-takers to guarantee that 50 percent of those passing would be minorities. Many applicants have threatened to sue the department for reverse discrimination, and they may win. The clumsy artlessness and futility of this even more than usually crude exercise in liberal social engineering, the resentment it will cause, and the desperation and stark injustice it embodies are all remarkable; they exactly repudiate the elegance, harmony, reasonableness, and fairness every liberal alive *says* he lives his life to promote. In the words of

MAHEU
Chicago Tribune
TOMMY HAS TO GO TO THE BOYS' ROOM, SO, JIMMY, COULD YOU PLEASE LAY DOWN SOME COVERING FIRE WHILE I SECURE THE PERIMETER?
SOCIAL STUDIES

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the poet Blake: "fearful symmetry."

Recalling Roberti

DAVID ROBERTI easily (if you think spending $750,000 falls into that category; for Roberti, it does) beat back the recall attempt against him. Recall efforts almost invariably begin with several daunting disadvantages. Unless some sort of crime is proven, the voters tend to see them as unfair, sore-loser efforts to re-run elections the office-holder won fair and square. Any even slightly skilled official will quickly make himself out to be an innocent victim of zealous bumpkins who don't know enough to play by the rules, and David Roberti is more, by far, than slightly skilled in this regard. Also, in Roberti's case, recall organizers labored under the added burden of having to explain why they were exerting so much energy to remove a man scheduled to leave office in a few months anyway. Whether or not their explanation was good and adequate, having to make it at all distracted from what should have been the real issue: Roberti's record. Throw in the veteran lawmaker's vast advantages in fundraising capabilities (and in media support) and the recallers' task can be seen for the nearly-impossible undertaking it was.

Still, they had a strong case to make against the incumbent: David Roberti is as programmatic a liberal ideologue as the Legislature has to offer. He has never failed to champion the bloated bureaucracy against the interests of taxpayers (whom he likes to call "fat cats"), Rose Bird reminded him of Joan of Arc; her critics were a disreputable band of "right wing extremists," he worked closely with Willie Brown over his many years in office to strengthen and broaden the welfare state while consistently fighting every attempt, usually successfully, to restore market forces, self-reliance, and individual freedom as the organizing elements of the California economy. He was a carpetbagger and a careerist whose Neanderthal devotion to gun control perhaps more than anything showed his enduring preference for ideological fantasy over the real interests of his constituents.

Roberti will be going; that much is certain. His time in the Senate is past, but it provides lessons that should not be forgotten. Mainly, his legacy is that of a man who succeeded politically for himself while failing politically for his constituents. Roberti's devotion to liberal ideology has left them less safe in their homes and on their streets, less prosperous in their work, less likely to learn in their schools, and less free, generally, in their daily lives — quite a record. *Au revoir,* David.

One State, Two Economies

Guest Editorial
by Lester O'Shea

LIBERALISM IS hazardous to the economic health, as conservatives and economists generally recognize. Preoccupation with redistribution rather than the creation of wealth plus the usual "environmentalism" is a rather lethal combination.

In 1992, California fastened on the hapless George Bush as a scapegoat for their economic woes, apparently oblivious to the logical inconsistency of blaming Washington, let alone the executive branch in particular, for a degree of economic malaise peculiar to one state. (Other states had sustained greater proportional cuts in defense spending and remained economically healthier; and the Democrats were certainly not promising big boosts in defense spending.)

Now, Clinton has been president for close to a year, and California stands out as a more and more noticeably sore thumb of economic distress. Belatedly, there is some recognition of what Peter Ueberroth's Commission on Competitiveness called the state's "well-honed job-killing machine" in its April 1993 report. The state's high level of taxes, burdensome regulations, expensive housing, congested highways, and scandalous workmen's compen-

California Progressivism Revisited

Edited by William Deverell & Tom Sitton

California was perhaps the most important locus for the development of the Progressive reform movement in the twentieth century. These essays represent the best of the new scholarship on California Progressivism. Ranging across a spectrum that embraces ethnicity, gender, class, and varying ideological stances, the authors show that reform in California was a broader, more complex phenomenon than was previously understood.

$40.00 cloth, $15.00 paper at bookstores or order 1-800-822-6657

UNIVERSITY OF CALIFORNIA PRESS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sation racket were not imposed by Washington.

California is of course not the only state in which liberal policies are doing their work. In his interesting study, "One Nation, Two Economies," in the October 4 *National Review,* American Enterprise Institute resident scholar Irwin M. Stelzer contrasts the doldrums of high-tax, high-regulation states such as California, New York, and New Jersey with the economic vitality and job-creation of Southeastern and Mountain states.

The same phenomenon is strikingly present *within* the Golden State. And, when you think about it, it is plain that it ought to be, for just as elements of the business climate in a state are created not in Washington but in its own statehouse, so many important decisions affecting that climate are made at the local level.

The Senate race between Barbara Boxer and Bruce Herschensohn presented an unusually clear liberal-conservative choice. Boxer was virtually a parody of the tax-and-spend, environmentally-preoccupied liberal, while Herschensohn even favored oil drilling off the coast. It would be reasonable to expect a county that Boxer carried to be applying on the local level the sort of policies that it supported on a national by its vote for the ultra-liberal Democrat; and to expect those policies to be bearing the all-too-predictable bad fruit.

And that is exactly what the employment statistics show. Of the state's 58 counties, Boxer carried 17. On a year-to-year basis, according to the Monthly Labor Force Data for Counties reports (Report 400C) of the state Employment Development Department, from June

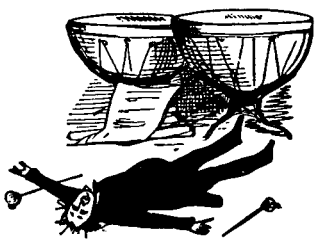
Notebook

Tough, Savvy Conservative

STOCKTON ASSEMBLYMAN **Dean Andal** is running for a seat on the state Board of Equalization. A tough, savvy conservative, he would be an addition there, but will be missed in the Assembly, where he could, and should, have played a more prominent role. After the 1992 elections, Andal was the Assembly GOP Caucus's first choice for Republican leader, but could not be elected because he was involved in a recount for one week after the election (he ended up winning by 1,100 votes) and therefore was not officially a member when the leadership vote took place. Second choice (and many conservatives' first choice all along) was Pomona's **Jim Brulte,** who won the post unanimously and holds it now. Republicans then named Andal as their leader on the powerful, budget writing Ways and Means Committee. Speaker **Willie Brown,** who dislikes dealing with effective, principled Republicans, ignored the GOP Caucus's decision and instead named a weak, vacillating Republican — Whittier's **Paul Horcher.** Horcher immediately accepted, defying and betraying his own caucus, depriving his party of an effective leader, and, instead, sowing dissension in the ranks. Horcher is the sort of Republican Willie Brown prays for, a prayer often answered in Sacramento.

LOS ANGELES Times' long-time lefty political cartoonist **Paul Conrad** (who shot arrows at **Ronald Reagan** during RR's *first* run for *governor)* is upset with **Bill Clinton,** apparently over the Democrat president's foreign policy or, rather, lack of any foreign policy. The prez appeared in a recent Conrad offering portrayed as "Bill Chamberlain" sporting a tattered umbrella labeled "appeasement" and a suitcase bearing travel stickers from "Bosnia" and "Haiti" .... On the show-biz front, **Louis Farrakhan's** favorite talk show host, **Arsenio Hall,** has been cancelled (low ratings) and top-rated star **Roseanne Arnold,** has filed for divorce, declaring herself "a classic battered and abused wife who has tolerated the conduct ... only because [husband **Tom Arnold**] has successfully lowered my self-esteem and reduced me into the realm of battered wife syndrome." Roseanne sure knows how to follow a script.

ON A more edifying note, actor **James Earl Jones** has joined former Education Secretary **William J. Bennett** on the Advisory Board of a new effort, the "National Fatherhood Initiative," headed by **Don E. Eberly** and "dedicated to promoting responsible fatherhood in America." Eberly's office can be contacted for information in Lancaster, Pennsylvania, at: 717/581-8860 .... Portland, Oregon,-based, free-market-oriented Cascade Policy Institute announces that one of its associates, **Peter Weissbach,** is now Program Manager at KOGO-AM, an issues-oriented talk radio station in San Diego (600 on the dial). Cascade advises "friends of economic and individual liberty" that "if you are headed to San Diego be sure to contact him for a possible on-air interview. Better still, send him a list of people from your organization, and their area of specialty, who are available to provide timely commentary on issues of the day." Among the first to be contacted by KOGO for a possible interview was GOP gubernatorial candidate **Ron Unz.** KOGO's producer is **Sonya Ireland:** 619/560-5464. CPR



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Sacramento Spectator

An Innocent Man

ELSEWHERE IN this issue of *CPR* appears the beginning of a several part exposé on the framing and imprisonment of Pat Nolan. So your *Spectator* doesn't feel it necessary to continue his own thoughts on the matter. But if nothing else, please remember this: Pat Nolan is an innocent man. He was fighting the good fight — our fight — when he was framed by a politically ambitious U.S. Attorney with the active complicity of the ultra-liberal *Sacramento Bee* and their resident character assassin — political columnist Dan Walters.

And remember this about Pat Nolan: he is not the retiring type. Pat will be back working in our vineyards. We have not heard the last roar from that lion. Godspeed Pat. The movement you labored for so faithfully eagerly awaits your return.

On other notes, your *Spectator* was privy to a hush-hush meeting between top Wilson campaign staff and top leaders of the *very* conservative California Republican Assembly (CRA). The meeting was to see if grounds for a truce could be found between the warring factions. Unfortunately, this situation turned out like all other attempts at rapprochement during the Wilson years: all of the give was on the conservative side; all of the take was on the Wilson side. The terms from Wilson's team for forging a mutually beneficial working relationship amounted basically to unconditional surrender.

WISELY, THE CRA leaders declined the governor's generous offer. Yet once again, Wilson and his acolytes have shown their utter contempt for the conservative movement. Yet *also* once again, come the fall campaign against either John Garamendi or Kathleen Brown, we conservatives will be called upon to be good soldiers and to vote for a man who despises many of us personally and most of our philosophical tenets on a generic basis.

Not to say that the Guv won't be re-elected. Matter o' fact, I personally think he can be, though his chances would be considerably brighter if he tried to work *with* this major element of his own party rather than *against* it. For that matter, he'd probably be a slam-dunk were it not for the past three-and-a-half years of nearly continual Wilson-instigated intra-party warfare. What is both puzzling and distressing is the refusal of the Wilsonites to take actions that are manifestly in their own best interests. Somewhere, deep in the Wilson psyche, there is a fear and loathing of conservatives and conservatism that would keep a legion of psychologists busy for years. It is a puzzlement.

REGARDING THIS year's legislative elections, expectations at this early point are mildly optimistic for the GOP. General feeling is that the Republicans can add three or four to their 33 members in the Assembly and one or two to their 16 in the Senate. Nothing to stop the presses about, yet progress none the less.

Term limits is having an enormous effect in the Capitol. Calculations about future runs for office are all influenced now by knowing that the current occupant of the seat *must* leave at a time certain. One mostly unintended consequence is that strong challengers looking at an incumbent with only one more term under the limits are forgoing a race this time for a shot at an open seat in two years.

One largely *intended* consequence is that fewer and fewer staff members are running for the Legislature. This year ought to continue the trend started in 1992 that saw an exceptionally high number of candidates from the private sector. This is all to the good, even when these private sector types happen to be liberal Democrats. Former staff members of both parties becoming legislators has been the curse of the Legislature the past 15 years or so. Term limits has put a stop to that. If they accomplish nothing else, this alone will prove them worthwhile.

Must run now. Understand that Gayle Wilson (yes, the Guv's wife) is giving a press conference to reveal the exact percentage of concrete in here hair spray. Will give a full report next time!

— A.P.C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

1992 to June 1993, the state lost 12,100 jobs, reflecting a 108,450 loss in the Boxer counties and a gain of 96,350 in the rest of the state. From August 1992 to August 1993, the contrast is even greater: the total loss in the state was 20,900, made up of a gain of 106,650 in the Herschensohn counties and a loss of 127,550 in the counties that liked Barbara Boxer.

Of the Boxer counties, Alameda, Los Angeles, Marin, Mendocino, Napa, Sacramento, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma, and Yolo, all lost jobs; only Alpine, Contra Costa, Humboldt, Monterey, and Solano gained. The latest figures available show the trend continuing: From December to December, '92 to '93, the state gained 119,800 jobs, losing 34,225 in the Boxer counties, adding 154,025 in the others.

NO DOUBT liberals who see no connection between welfare policies and the collapse of family structure in the slums, or between minimum wages and unemployment, will insist that here, too, other factors must be at work; but the consistency of the pattern, and its consistency with what we know about economics, are pretty convincing. And of course there are some, especially among those not dependent on the private job market, who are ready in any case to bear stoically their neighbors' loss of jobs in the interest of the Harvestman spider. But to those with open minds who care about the state's economic health, however, the county-by-county statistics ought to be one more indication of the soundness of "producer-friendly" policies and of California's urgent need for them. CPR

Transcending NOW

Growing Weary of the Rhetoric

An Alternative for Women to The Vocal Few

Barbara C. Lydick

THE NATIONAL Organization for Women's predicament in Florida over the Orange Juice Wars was made more interesting by the reactions of some journalists. NOW had attempted a boycott to protest the Florida Citrus Growers Association's decision to advertise their liquid gold on the Rush Limbaugh (that loveable little fuzzball) radio show. But to NOW's dismay, they were faced with a protest to their protest; people emptied the shelves of OJ at a rate of thousands of gallons per day, much of it then donated to charity.

Some reporters seemed to be genuinely surprised at the utter lack of support given P. Ireland & Co. And little wonder. The media have been NOW's water carriers and spear chuckers since its inception. Moreover, they have chosen to focus their coverage primarily on a very few, albeit very vocal, fiercely ideological (unelected) feminist leaders. Therein lies the problem.

In some respects, the media's support when the movement began was welcomed, indeed constructive, because the attention they gave to it helped lower and in some cases remove institutional barriers women faced. To the naive at that time (this writerette among them), removing barriers meant gaining access to those organizations. Once there, we believed our participation at higher and higher levels would be based on merit. Well, not exactly.

The Vocal Few have refined the definition of a barrier: it now means any hostile environment, any slight bump to that ubiquitous idea of self esteem. With a straight face they define hostile environment as anything from a cross look from a little boy on the playground to overhearing a profane word in the workplace (both under consideration as actionable offenses, the former by reprimand, the latter by lawsuit).

SOMEHOW, THE Vocal Few have been able to define women as weak, needy, oppressed — as victims of society's inequities and injustices requiring protection under the law from all things unpleasant. And in a curious twist of doublespeak, we also hear that we are the stronger sex and able to bring to the fore more desirable skills than men have ever exhibited. This has escalated to outright male bashing and is close to spinning out of control. One pauses to wonder if Rousseau, even in one of his arboreal flights of fancy, could have constructed so ludicrous a scenario, a few of his fingerprints here, notwithstanding.

It is this — well, the word nonsense comes to mind — that receives the

Barbara C. Lydick is president of B & A Associates, a management consulting firm, and a member of the National Governing Board of the Women's Freedom Network.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

most media attention, but, some of us hope, not for long. Readers of the last issue of *CPR* ("Notebook," Winter 1994) were introduced to a new organization, the Women's Freedom Network. This is a group of women grown weary of the rhetoric, concerned by the results it has wrought, and desirous of stemming the media's continued reliance on the Vocal Few because we are safe in the knowledge that P. Ireland, G. Steinem, C. MacKinnon, et al., do not speak for a great majority of women in this country, including the educated and professional ranks.

FOR SOME time, many of us have doubted the veracity of statements made by the Vocal Few in support of their contention that women are oppressed, victims all. To those of us who are mature enough to engage in critical thought, these statements appear to have been derived from specious reasoning and look suspiciously like *a priori* statements posing as studied fact.

We were right. Christina Sommers, associate professor of Philosophy at Clark University, and also on the National Governing Board of the WFN, has written a book, with humor (we may be thankful), that provides hard evidence that these statements are indeed based on manipulated and distorted data. Moreover, she points out clearly that research done on such issues as harassment, rape, economic bias, etc., while well-funded, is quite sloppy. Her book, *Who Stole Feminism?,* has been published by Simon & Schuster and will be available this April.

With a ready file of appropriately credentialed people, the WFN will serve as another address for the media, primarily to refute those who would deliberately foster misconceptions to advance certain agendas. A conference is scheduled for later this spring in Washington, D.C., and it is hoped that C-SPAN will cover it, thus giving the group wide notice.

My own interest in the WFN (as one who's never before been associated with any women's organization) is driven by my concern with the ill effects this ideological, victimist brand of feminism has had on the business community. After nearly three decades in business, now with my own company, I have seen things progress steadily downhill. The Vocal Few have been the driving force behind some very bad law which has resulted in some very bad consequences. No surprises here; such are the ends of Utopian designs.

Lately, men appear to be questioning the wisdom and value of including women in business. Most companies have had to create bureaucracies that reach into every level of management to protect themselves against harassment and wrongful firing suits. Here in California, the average cost to defend against a wrongful firing is $80,000 while the median award to a successful plaintiff is $100,000. Some firms actually violate affirmative action quotas, finding it more cost effective to await an audit than to hire someone who may not work out (someone, for instance, who falls short in performance or who may have their feelings hurt one day and sue) and be subjected to lengthy and costly litigation. Others have just given in, hiring women often disregarding competence and absorbing whatever costs result, feeling they are held hostage to this feminist agenda.

Now companies must factor into the equation the potential consequences relative to the opinion handed down by the U.S. Court of Appeals for the Ninth Circuit *(Ellison v. Brady)* which held that determination of whether behavior or speech constitutes sexual harassment should be based on how a "reasonable woman" would perceive it. Previously the standard had been a "reasonable person."

At another level, men are questioning the wisdom and value of including women they *already know* in the real process of business. They are becoming as prone today to look for signs of these extremist attitudes as some women are to read harassment, sexual or otherwise, into most any situation. Even women who up to this point have exhibited no signs of these attitudes are cast a suspicious eye. This has created an environment where male/female working relationships have been thrown into confusion resulting in valuable time taken away from the reason everyone is there in the first place.

Women who understand this are rightly concerned. Many fear their advancement could be stalled until some degree of sanity is restored. Case in point: What man in his right mind today would take a woman not well known to him into his office and close the door? What woman seeking membership on the "team" would not want this to happen? Where, one should ask oneself, is the most valuable information shared? Behind closed doors.

Those of us who understand these realities do not wish to be spoken for by the Vocal Few. And no woman should want to have power conferred upon her by those whose understanding of real power is quite shallow indeed. We're made of sterner stuff, the stuff Cervantes referred to when he said, "The woman who is resolved to be respected can make herself so even amidst an army of soldiers."

When we cede independent thinking to groupthink we cede our independence, together with our ability to sway in our favor any argument of substance. Truth becomes trivial, subordinate to the agendas of the interest group.

THE BUSINESS of business is business; the corporate world does not exist to provide women careers. Businesses cannot continue to spend time, energy, and large dollars on things that do not advance their real purposes. If men are assumed guilty until proven innocent, they will harbor resentment and engage in backlash, quietly and not so quietly. Women will advance into the highest ranks of management if we work together with men. Cervantes was right.

We cannot allow the Vocal Few to define and drive their own agendas. I hope my confidence in the collective wisdom of the American woman is well placed. There is so much at stake. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Academy

Taking Affirmative Action 'Very Seriously'

If 'Excellence' and 'Quotas' Yield the Same Results, Why Use Both?

William R. Allen

NOT ALL university deans are all bad, even when awake. I once had a genteel discussion with the dean of a professional school. We talked about achieving sanctified "diversity" through "affirmative action" in the hiring of faculty.

The dean was pleased by his school having hired several racial-minority professors, and he said that he takes Affirmative Action "very seriously." At the same time, he held that the recruits were excellent by traditional academic/professional standards. I expressed gratification for the good fortune of the school in satisfying criteria both of minority status and of quality. The dean evinced some wonderment of why there need be any problem in such simultaneous satisfying of criteria.

But a potential problem inheres in use of dual criteria: *If* each criterion invariably yielded common guidance — if both indicators always pointed in the same direction — there would be no occasion to use both. Whether the potential becomes manifest is a case-by-case matter of how good one's fortune is. The rationale of Affirmative Action is that too few minority candidates rank sufficiently high on the scale of demonstrated or predictable competence, so non-professional considerations are sometimes required to offset professional deficiencies.

To "take Affirmative Action seriously" is to assign weight to the criterion of ethnicity or sex or religion or whatever. To assign such weight is to be willing to bear some amount of alternative cost — to be willing to trade-off some traditional professional excellence — in satisfying the conventionally extraneous criterion of minority favoritism.

If a university hires a minority individual because he is the best candidate, then no "affirmative action" was required. If that person would not otherwise have been hired on grounds of professional attractiveness, then there is waste and injury. Not only is there injury to the forsaken victim of the discrimination, but an inferior product will be supplied to the customers of the school. Even the coddled hiree may consider it a partially Pyrrhic victory as he labors under a cloud, while the most able of the minority staff are inappropriately tarred with the brush of suspicion and resentment.

Minority communities stand in need of genuine successes — successes beyond suspicion and reproach, unambiguous instances in substantial numbers of conspicuous accomplishment and warranted stature. Ignoring, much less subsidizing, mediocrity, winking at inadequate performance, will strengthen prejudice and invite scorn, delaying evolvement of practical equality of treatment and opportunity.

It has been contended that this is not properly the end of the story. Arguments have been made that traditional considerations of scholarly competence should be *supplemented* by additional sorts of measurements, especially in the interest of having variety of faculty background. But the great bulk of the campus curriculum calls for no idiosyncratic faculty experience. There is no such subject as "black statistics"; one need not be a victim of cancer to be an analyst of causes, diagnosis, and treatments of cancer; and it is not necessary to be unemployed to know much about determination of national income and production.

Indeed, some sorts of personal background and commitment to causes are a handicap of distraction and bias, not an asset, in gaining and conveying a balanced analytic understanding of the subject. The notion that there is something called "black law" or "women's law" which can be well taught only by blacks or women is persuasive only to those who prefer propaganda to dispassionate pedagogy.

OTHERS HOLD that evaluation of scholarship is to be, not supplemented, but *eliminated.* There *are* qualities, characteristics, competencies, and accomplishments which can hardly be mechanically measured to the fourth decimal place, so some find it convenient to disdain sophisticated assessment and call for reliance on little more than random selections to fill quotas.

It may be that, in some cosmic weighing of all considerations, it is proper to be ready to bear (by whom?) some amount (how much?) of some sorts (what kinds?) of costs in the interest of greater minority representation than would obtain through traditional professional recruiting. I respect diver-

William Allen is a professor of economics at UCLA.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sity of preferences and differences in willingness to bear costs. But I shall not applaud any attempt to suggest that there *are* no costs in Affirmative Action — or that the costs are surely smaller than associated gains.

A UNIVERSITY is to be an institution through which very able and thoroughly committed people preserve, enhance, and disseminate accumulated knowledge and acquired techniques of thought. All those who are prepared, in aptitude, attitude, and accomplishment, to participate effectively in the life of the mind are welcome, for there is sophisticated work to be done. But that work is diverted and resources are wasted by campus politicians among the faculty and the administrators (and by students who find brash promotion of Good Causes more fun than laborious study). It is such professional charlatans and intellectual wimps who prattle about university "greatness through diversity."

Much diversity is inherent in a university. The very word — uni-versity — suggests a fruitful bringing together of diverse elements and activities. But the latest cause of campus agitators is for still more diversity.

The agitation typically is incoherent at any level above sloganeering. Everyone with legitimate business on a university campus agrees that it is totally reprehensible to *deny* faculty employment (or student admission) on grounds of race and sex and nationality — or on grounds of religion, as was done in an earlier day. Should it be more acceptable to *favor* people on such grounds?

Presumably, there are *some* sorts of gross gains from diversity itself. It is possible that a campus will be more attractive in *some* respects in being populated by women as well as men; by including pink, black, brown, yellow, and red skins; by having Christians, Jews, Muslims, atheists, and Druids; and perhaps by fat and thin, tall and short people. But *professional excellence* has nothing to do with such extraneous criteria. And it is already shamefully the case that criteria and standards of competence have often been diluted and even discarded, subverting the university in the specious name of diversity.

It is not at all to be expected that we will be blessed with the coincidence that in maximizing diversity we will maximize quality. A choice is required. If we are to be faithful to our trust, we shall seek the professionally *best* faculty and students, not a variously *diverse* group. In the process of obtaining the best, appropriate diversity will take care of itself. But if we consciously and insistently seek diversity for its own sake, quality will be a casualty. CPR

The Working Press

Is the Press Missing the Next 'Three Strikes'?

Though highly provocative, the California Civil Rights Initiative receives scant notice.

Tim W. Ferguson

MANY BALLOT measures are circulated and few are qualified. That's the best excuse you can offer for the absence of press coverage of the California Civil Rights Initiative, one of the most provocative potential issues in many an election. This is the effort led by Cal State Hayward anthropologist (and friend of *CPR)* Glynn Custred to prohibit racial and ethnic preferences in contracting and hiring by the public sector and in state university admissions.

To be sure, Professor Custred and his allies were keeping pretty quiet as they fine-tuned their constitutional amendment and sought money for signature-gathering. Working with the Butcher-Forde consulting crew, they've contacted the Howard Jarvis Taxpayers Association which has shown interest in it (the legislative analyst says it will save millions of dollars). On Butcher-Forde's advice, the proponents are delaying the target election to 1996. But the anticipation of even that distant a vote is already electric, extending outside of California and the Republican Party. Syndicated columnists Patrick Buchanan and William Buckley sensed this, and their commentaries are one reason this subject has been addressed more often out of state than in the California press. The *Los Angeles Daily News* and *Orange County Register* carried local opinion, but that was about it statewide through mid-March. The liberal press was slow to realize it may have another "three strikes" on its hands (it was late on that, too), with the potential to affect legislation before any plebiscite is even held.

***

The "Save Our State" initiative also drew scant press notice early on, even though it was aimed for this year's ballot. That's the one designed to cut off public services for illegal aliens and en-

Tim W. Ferguson is California Political Review's *press critic.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

couraging the reporting of such people to immigration authorities. The *Los Angeles Times* was on to this one, as was the *Orange County Register* because local congressmen Dana Rohrabacher and Ron Packard are backing it. (The *Times* in particular has sought to demonize Rohrabacher.) The Copley papers joined the hunt, but elsewhere, next to *nada.* This is a less savory vehicle for conservatives/libertarians than the Custred anti-quotas proposition. It is being pushed heaviest by the ideologically mixed group of grass-roots lobbies for border control, but those are also quarters where the press doesn't hang around.

***

You knew this was coming. Barry Witt of the *San Jose Mercury News* detailed how Santa Clara County and others have proceeded to violate the express promises of Pete Wilson and all of the law-enforcement officials who campaigned for the Proposition 172 tax increase. They have used the money to fill gaps in their policing budgets which were created in order to transfer money to other uses not sanctioned by the voters. In other words, subterfuge. The *Riverside Press-Enterprise* earlier reported how its county supervisors were more forthright about the shift: they allocated 5 percent of the 172 monies to "midnight basketball" and other youth-diversion programs. Either way, the result is clear — Californians are stuck with a tax being used for purposes they didn't intend. Of course, Governor Wilson and Attorney General Dan Lungren and all the others who touted the measure had to expect this. It wasn't for nothing that the public-employee unions so desperately wanted its passage.

***

Amid the tempest over the deletion of state reading test questions drawn from work by Alice Walker and Annie Dillard (and the subsequent backdown by the California Board of Education after Governor Wilson caved), at least one reporter resisted simply caricaturing the conservative "values" side. That was Nanette Asimov of the *San Francisco Chronicle,* once again showing that in the most left-leaning major city in the state, readers get the most balanced (and sophisticated) coverage of cultural and public affairs.

***

Nearly 15 years ago, a company called Hamilton Test Systems contrived to win a state contract to perform the kind of centralized auto-smog testing now about to be imposed on a portion of the cars in certain parts of California. The result back then was a scandalous failure. This year, the idea of having everyone in smoggy areas get in the same testing line has been revisited in California, pushed by the U.S. Environmental Protection Agency and (for a while) the state Air Resources Board. Eagerly supporting the idea, the *Wall Street Journal* informs us, was a firm headed by a government-hallway schmoozer named Chester Davenport. The state eventually agreed to send 15 percent of the cars in the dirty-air zones to an operation headed by Mr. Davenport. (Quentin Kopp got the San Francisco Bay area exempted; Southern California lacks such an effective watchdog over the bureaucrats.) The press eventually got around to giving the EPA vs. California aspect of this story good play. But few noted that, in building his big testing concessionaire, Mr. Davenport last year acquired an idling company by the name of Hamilton Test Systems.

***

The *SF Chronicle* splashed a damning report on the foster care program in San Francisco on its front page, but failed to provide context about what a nationwide mess this endeavor (and the associated group homes and shelters) has become. It's part of the underclass trap. California's foster-home population, which was stable or dropping until 1984, has more than doubled since, to about 90,000 through welfare or probation assignments. The feds will pick up most of the costs through AFDC.

***

When an Orange County-based state appellate court panel struck down the city of Santa Ana's ordinance banning "camps" of vagrants on the civic plaza, most press reports (as usual) failed to note who the jurists involved were. If these kinds of decisions were congressional or legislative votes, odds are we'd be told who the actors were. Many court actions are as political as they are judicial. In this case, as in so many others, the majority were appointees of Jerry Brown. It can never be said often enough how important judge selections are, and therefore how important it is who makes them.

***

Not all legislative votes are adequately reported, either. When a measure by state Senator Marian Bergeson to allow Orange and six other non-charter counties to contract-out for services was defeated by the public-employee unions, it got virtually no coverage. The Senate floor tally was party line (Democrats against, naturally), and the two "independents" split, Quentin Kopp for the efficiency reform, Lucy Killea for the unions. Papers that report on the worsening fiscal woes of California counties might have taken notice of a bill that could have had a material impact on those budgets.

***

Liberal media looked askance at the "three strikes and your out" phenomenon, and for some good reasons, but so did Debra Saunders, the *Chronicle* editorial columnist. And that was woman-bites-dog, because Saunders tends to be conservative and is especially hard-line on crime. More pundits (and politicians) on the right should have been as honest. (The *Orange County Register* also expressed misgivings.) But Saunders went too far in belittling the idea of life terms for "felony graffiti." Some of us think that would be letting the vandals off lightly.

***

One more bouquet for the *Chroni-*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cle: reporter Carolyn Lochhead detailed how a San Francisco couple, James and Patricia Sturdevant, and other class-action attorneys have teamed with Consumers Union to file lawsuits that win pennies for the customers of deep-pocket institutions but millions of dollars for the lawyers and the consumerist lobby. The Sturdevants' favorite targets have been banks, which they've challenged on credit-card billing practices. Appallingly few journalists are as ready as Lochhead to hold Naderite litigators to account and pierce the righteous veil of these Pecksniffs.

***

Some black voices have complained justifiably that whites shrink from honest discussions of race, but given the hypersensitivity to any potentially offensive utterings, the reluctance is understandable. Further evidence of this was a flap over an editorial cartoon in the *Sacramento Bee* that showed one Klansman reading of Louis Farrakhan's statement, "You can't be a racist by talking — only by acting," and saying to the other, "That nigger makes a lot of sense." The cartoon itself didn't make a lot of sense, in that the Klan historically has acted and not talked, but it was the use of "nigger" (by the White Press) that prompted the local NAACP to launch a boycott that cancelled at least 1,400 subscriptions. Truly it was reaching for slights to take aim at the liberal *Bee* and its editorial page editor Peter Schrag, whose ouster was demanded. If we're going to have "dialog" on racial and ethnic matters (see also the immigration debate), we're going to have to loosen the taboos.

***

The Civil Rights Initiative noted above could have prevented an outrageous exclusion of 5,000 white applicants from a major firefighter exam in Los Angeles this February. The whites were barred in an effort to comply with an agreement with the U.S. Justice Department to bring the percentage of minorities in the LAFD to half. The *Daily News* made hay of the exclusion, which included some men who'd spent thousands of volunteer hours with the department. The *L.A. Times* was then shamed into its own spot coverage (on page B3).

***

The *Times* continues to be beaten by its local competitors on other stories of significance. The *Daily News, Los Angeles Business Journal,* and *Riverside Press-Enterprise* continue to outflank the *Times* on doings of the South Coast Air Quality Management District that affect the Southern California economy. The *Press-Enterprise* also noted, in a splashy comparison of general-relief rolls in the area, that Los Angeles County's recipient numbers per capita were an order of magnitude higher than those of the surrounding counties. (L.A. County officials estimate, by the way, that 1 in 5 residents are on the dole in some fashion — a statistic not to be seen in the *Times.)* Other state papers, starting with the *Bakersfield Californian* and continuing with the *San Jose Mercury News* and the *Orange County Register,* detailed the abuse of federal and state disability-welfare programs by alcoholics and drug addicts. This was enough to prompt action in Congress to curtail the abuse. (The Legislature earlier turned back an attempt by Republican Assemblyman Ray Haynes to place similar limits). Imagine what might have happened (and when) if the West's largest newspaper was paying more attention to abuse of government and less to the latest socio-political slop.

***

Donna Shalala pronounced an "epidemic" of domestic violence, signifying a new offensive in one of the cultural wars, but the *Times* was ahead of her with a "Metro" story whose lead paragraph reported that participants at a local conference on the subject said "75 percent of women murdered are killed by their husbands or lovers." This seemed a bit high, even in the fevered climate of the times, so we checked with the National Clearinghouse for the Defense of Battered Women, not a group likely to understate the problem. It uses an FBI figure of 30 percent.

***

One had to wonder whether William Tuohy, writing from London for the *Times,* really worded a passage as follows: "Woe be to the British version of Los Angeles' shopping-crazy Valley Girls *and Boys:* Officials suddenly are saying 'no way' to suburban malls." (Italics are ours; are the words the copy-desk's?) While there's no doubt teenage males hang out in malls along with the objects of their desires, only a PC-crazed paper would suggest they, like the girls, are there to shop. (The copy editor might instead have quibbled over whether a Brit would say, "No way.")

***

The *Times'* Rainbow Coalition of opinion page columnists includes Ron Harris for blacks, George Ramos for Chicanos, Robin Abcarian for feminists, and half a dozen white male liberals for the rest of the us. Most of these folks write pretty good, but it's fair to compartmentalize them because they make a habit of speaking to, or for, their group, rather than addressing a full range of issues. That's okay, but wouldn't it be nice if the paper's diversity push extended across the ideological spectrum?

***

Our final *Times* PC barometer: With three new books out by black male journalists telling of anger at white America, the "View" section must have been in a quandary: how to deal with this glut of good fortune. The results are not conclusive: Ellis Cose *(The Rage of a Privileged Class)* drew a big cover photo and loving treatment from Lynell George. Nathan McCall *(Makes Me Wanna Holler)* drew a big cover photo and less sympathy from Bob Sipchen, who is "View"'s most searching mind and the writer of its (unfortunately) defunct fortnightly magazine column. Brent Staples *(Parallel Time)* has yet to have his turn. Maybe the viscounts of "View," hearing the rumored expressions of PC-fatigue from the Great White (oops) Father himself, Otis Chandler, decided enough whining was enough. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Solution for Dysfunctional Liberalism: Work

What good is a job to someone who has no skills, no discipline, and thinks that when someone gives him an order that he's somehow being 'dissed'?

Paul Ciotti

HERE'S THE bad news — welfare in Los Angeles County is up again, 200 percent over the last four years. Currently, 1,839,000 people in L.A. County are on public assistance — one out of every five people you meet on the street is receiving AFDC, general assistance, food stamps, or MediCal, a grand total of $3.1 billion a year.

No wonder there's no money for libraries, schools, and public amenities. When I grew up in western Pennsylvania, we had well-equipped parks, swimming pools, and tennis courts that were clean, cared-for, and graffiti free. In downtown Los Angeles, in contrast, you find people sleeping in the bushes and urinating on the walls. The lawns are raggedy and the shrubs are filled with litter.

And that isn't even the worst part — the tendency of people who grow up on welfare to commit crimes, deface buildings, destroy schools, and ruin the lives of everyone around them. Furthermore, there's no way to stop it — they hate themselves, they hate each other, and, most of all, they hate us, which is why Three-Strikes-You're-Out swept through the state capitol. The people were so mad at rampaging crime that not even Willie Brown could bottle up this one in committee.

The will of the people notwithstanding, most intellectuals and members of the media hate Three-Strikes-You're-Out. I don't know why they should since they suffer as much from crime as the rest of us. But there is this long-standing liberal aversion to seeing the person who commits a crime as the responsible party. Instead, they point to institutional racism, pervasive racism, unconscious racism, seemingly neutral laws that nevertheless have discriminatory effects, culturally-biased entrance exams, and a middle class prejudice against non-standard English. They argue that we have to go after root causes — we have to provide more jobs for these kids and get them better after-school recreational facilities.

Well, jobs are great. Jobs are fine. But the kids committing most of these crimes are not the kind of people who read poetry during their lunch hour and Proust after school. What good is a job to someone who has no skills, no discipline, and thinks that when someone gives him an order that he's somehow being "dissed"?

As for the notion that another ping-pong table in the rec center or a new basketball court is going to stop young thugs from getting drunk and mad and blowing away rival gangs, that's sugar plum fairy time: not a rational plan.

We have an over-supply of unskilled, undisciplined, over-violent teenagers in the inner city and an under-supply of jobs they are qualified to do. In our increasingly technological society we are not likely to see increasing demand for unskilled workers. The only solution to the problem is to cut off the supply — find a way to discourage inner-city teenage girls with neither jobs nor husbands from having more babies at someone else's expense.

But then you run into yet another bias — the liberal assumption that most intact families are dysfunctional and that we'll be better off when most babies are raised by the state, which is one reason the Clinton welfare reform plan calls for increased spending on child care. I have a better idea.There is no benefit in having five welfare mothers each sitting home minding their kids and watching the soaps. Why not make one welfare mother the designated child care mom and give the other mothers brooms and these big heavy duty plastic garbage cans with wheels and lids? I don't know what they cost. Probably $30. The city of Los Angeles gave me two of them.

You could give one to a welfare mom, give her a pushbroom for another $8 and a dustpan for $5 and send her out to sweep the streets in her neighborhood. Four moms could sweep the streets. One mom could watch everyone's kids. Everyone has a job. Everyone is contributing. The streets are becoming cleaner. It costs practically nothing, reinforces the work ethic, reduces the stigma of being on welfare even as it provides a safety net for the temporarily down and out.

OF COURSE, it won't happen. Anyone suggesting it would be ridiculed as a simple-minded fool. Some public advocacy group would file suit. A judge would rule that it's forced labor and that's unconstitutional. It reminds me of when my dad worked as a foreman in an auto body stamping plant. He used to say that people would send for the committeeman if they broke into a sweat — they thought they were sick. That's the trouble with people who have never before worked in their lives. They think hard work is a terminal disease. CPR

Paul Ciotti is California Political Review's *Eye on L.A.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Unrepentant Character Assassin

Dan Walters responds, in his own way, to CPR Update's article on the Prosecution of Pat Nolan and raises a question: How might Walters handle a Nolan-like trial-by-ordeal of his own?

John Kurzweil

IT APPEARS I touched a nerve. The *Sacramento Bee's* Dan Walters devoted his entire column ("Unrepentant political felon," the *Bee,* April 1, 1994) to answering my article "Prosecuting Pat Nolan" in the last issue of *CPR Update* (Winter 1994).

I had hoped that my article might induce Walters to consider, finally, some of the glaring holes in the prosecution case against former Assemblyman Pat Nolan: (1) the fact that *nothing* in the FBI's transcripts of their secretly-taped conversations with Nolan so much as hints at bribe-taking or extortion (on the contrary, Nolan specifically told the FBI's bogus lobbyist that "there's no way we can guarantee" that his bill would become law), (2) the strong possibility that federal agents suborned perjurious anti-Nolan testimony from Karen Watson without which they'd have had no "evidence" against him at all, (3) the government's use of dirty tricks to squeeze and punish witnesses whose testimony supported Nolan, (4) the unconscionable delays, stretching into *six years,* in charging Nolan or in offering him his day in court, in the process exhausting his resources (in any case vastly overmatched by those of the government) for self-defense *before* any trial began, and (5) the court's refusal to move the trial despite compelling evidence that Nolan could not expect a fair hearing before a Sacramento jury.

Above all, Walters might have given at least passing consideration to the absurd proposition, inescapably central to any argument that Nolan is guilty, that Pat actually risked his political career, reputation, family, and personal freedom in return for $10,000 that he wouldn't receive himself, and that he trusted everything to a lobbyist he didn't know and a staffer who'd already shown her unreliability in avoiding appearances of impropriety. This Keystone Kops "case" against Nolan with its trivial motive and ludicrous scenario bothers Walters' finely-honed journalistic instincts not one bit.

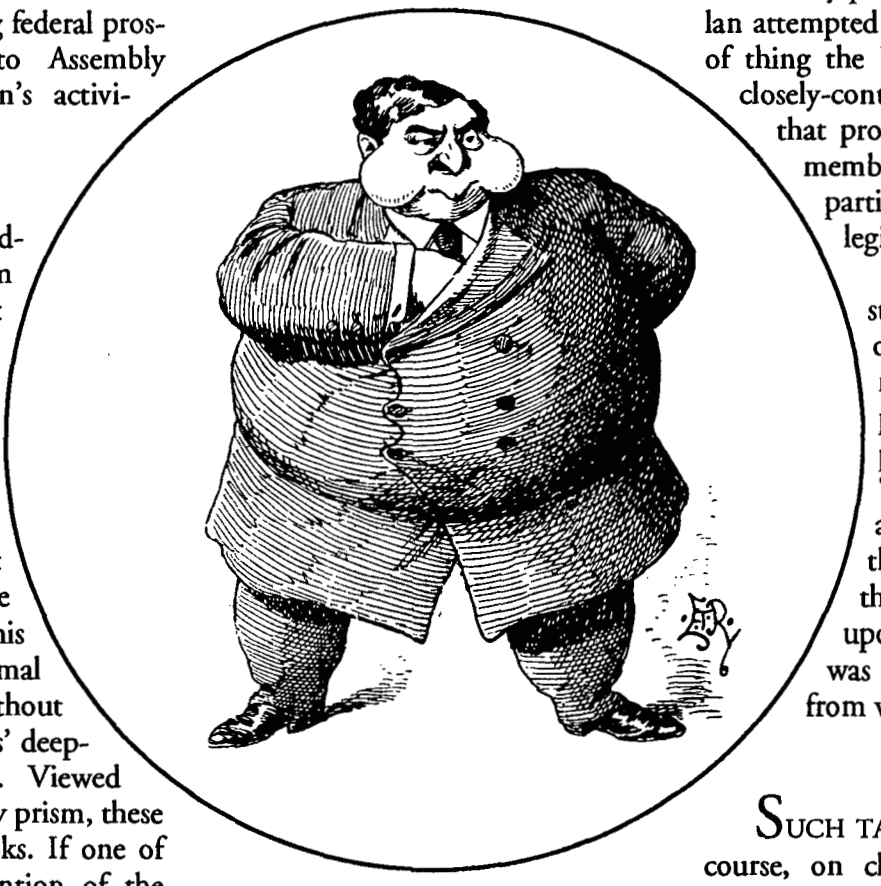
AS FOR the government's abuse of power in gathering evidence, the sort of thing ethical journalists protest vigorously, Walters laughs it off: some joke — a law-and-order conservative lamenting harsh justice when visited upon him or his friends, as though the question of guilt or innocence were some sort of

John Kurzweil is editor of California Political Review.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

non sequiter to the overall question of when and whether the justice system should handle defendants roughly.

For that matter, this whole business seems to interest Walters mainly as an amusing farce featuring a politician hoist with his own petard. Thus he roles out his Big Bertha: my article, he writes, "conveniently ignores the fact that Nolan may have helped precipitate the FBI's sting himself by urging federal prosecutors to look into Assembly Speaker Willie Brown's activities."



TO NORMAL readers, it might seem strange to suppose that a genuinely corrupt politician would be dumb enough to endanger himself by inviting close FBI scrutiny of activities in the Legislature, and that Nolan's going to the FBI thus helps prove his innocence. But normal readers operate without benefit of Dan Walters' deeply-ingrained cynicism. Viewed through Walters' grimy prism, these politicians are all crooks. If one of them directs the attention of the law toward his opponents, it *must* be some typically hubristic bit of over-reaching, as when, in comic books, the daring jewel thief, not content merely to make off with the loot, purposely leaves clues behind so he can laugh at the bumbling policemen's efforts to track him down. To Walters, apparently, the involuted conclusion that Nolan attempted to play some such silly, high-risk game with the FBI is more believable than the possibility that he simply wanted to help expose the shake-downs that actually do go on in and around the Capitol. For the latter to be true, not only would Nolan have had to be innocent, he would have had to be moved by a genuine concern to clean up government. Any such notion would make Walters gag, not least because it would mean that his own anti-Nolan vendetta, carried on for years now, has been misguided and unjust. For Walters, such a possibility is unthinkable.

But Dan Walters' anti-politician prejudices notwithstanding, it is nonetheless nonsense, first, to imply that Nolan may have "precipitated" the FBI sting. His talks with federal agents took place in 1984 — at least two years *after* the federal investigation in the Capitol had begun. (Testimony given in the late-'80s trial of Tyrone Netters and Darryl Freeman, aides to Assemblywoman Gwen Moore, indicated the FBI was secretly taping conversations in the Capitol at least as early as 1982.)

Second, at his '84 meetings with the FBI, without urging investigation of any particular legislator, Nolan attempted to point out the sort of thing the FBI should look for: closely-contested legislative votes that provided "swing" voting members leverage with the parties interested in the legislation in question.

Under such circumstances, small numbers of "uncommitted" members could approach the interested parties requesting "help" of one sort or another, and then cast their votes one way or the other depending upon how much "help" was forthcoming and from whom it came.

SUCH TACTICS only work, of course, on close votes. Members cannot deliver legislation one way or another that passes or loses by more votes than they control — a bit of basic mathematics, by the way, Walters might have considered had he been interested in fair reporting on Nolan's case: the FBI bill Pat supposedly "sold" his vote on passed the Assembly 62-to-5. Perhaps Mr. Walters will someday explain how Nolan could "extort"

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

$10,000 from phony FBI "lobbyists" by threatening that, if they didn't pay, he would reduce their winning margin to only 61-to-6.

It is possible, of course, that Walters really believes Pat was in the habit of throwing around 20 or 30 floor votes this way and that whenever anyone offered even small donations. But if that were so, why did the FBI take six years and have to resort to witness-squeezing to catch what would have been a ridiculously blatant legislative circus? If Pat had really operated that way, perhaps even Bloodhound Walters himself might by now have sniffed out at least one scrap of solid, corroborated evidence to throw at him. If he has, it remains undisclosed. And, of course, Nolan's prosecutors have never so much as hinted that they suspected any such mass vote selling, though nothing less could have provided Pat any leverage to "extort" anything on a bill that passed with more than 60 "aye" votes.

BY THE way, Nolan's visits with the FBI were enlightening, though more for him than for those he came to advise. The FBI "file" on Capitol corruption that these federal agents showed him, which Nolan thought would include evidence of wrongdoing or at least complaints by citizens who said they'd been shaken down, consisted instead of *newspaper clippings!* Publicity, more than actual corruption, was key from the beginning. In addition, the federal agents seemed strangely ignorant and unconcerned about how the Legislature actually worked. They wanted to discuss with Nolan such matters as allegations of possible drug dealing by acquaintances or business associates of legislators. Their objective, it appeared, was less to ferret out and end actual *legislative* corruption than simply to bring down some politician by whatever means they could find. That, of course, would bring them plenty of favorable publicity, whatever effect it might have inside the Capitol.

At the end of his column, Walters writes that, notwithstanding other considerations, a "central fact" in the case is Nolan's guilty plea. "Innocent people," he concludes (quoting U.S. Attorney Charles Stevens), "don't agree to spend 33 months in jail." Never? Really? I wonder how Walters himself might perform in such circumstances. Wrongly accused of a crime, perhaps he *would* fight it through, even after a six-year investigation, and even knowing what Nolan knew about false testimony squeezed from witnesses against him.

PERHAPS WALTERS would stand his ground despite the poisoned attitude of his jury pool, even knowing it had been subjected to a years-long steady stream of *unanswered* anti-Walters propaganda appearing in the *Sacramento Bee.* (The *Bee,* over the years, has refused to publish articles refuting Walters' many anti-Nolan columns, even though a columnist the paper often publishes, Joseph Farah, and others have requested space for that purpose. Walters, *Bee* editors argued, was not an "opinion" writer, but was engaged in "reporting" the "news" (!) and so was not fair game for refutation on the opinion pages.)

In such a spot, Walters might even withstand his judge's refusal to consider moving the trial (with what that implied about the attitude the judge would bring to crucial future rulings) as well as the unevenness of fighting the government's unlimited resources with nothing more than what he could raise from his friends for his defense. And perhaps Walters would even ignore such considerations as Nolan had for what it would all mean for his wife and his 1-, 4-, and 5-year-old children.

Dan Walters as a sort of modern-day Thomas More, withstanding every persecution rather than signing his name to a single lie, may

Dan Walters as a sort-of modern-day Thomas More, withstanding every persecution rather than signing his name to a single lie, may strike some people as implausible, especially considering the kind of material his column contains day after day, but who can say for sure?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strike some people as implausible, especially considering the kind of material his column contains day after day, but who can say for sure? In any case, he should pray, as should we all, to be spared ever facing such a test, lest he learn what sort of man he is.

But it is preposterous to the point of imbecility to argue that no man on earth, if innocently-accused, would ever sign a coerced confession, would ever reach his breaking point or conclude that the cost of honesty had risen too high. Walters knows that sometimes innocent people *do* agree to spend 33 months in jail and even to endure much harsher punishments if the alternatives offered them are sufficiently bleak. It is "ironic," as Walters would say, that after accusing Pat Nolan of years of deceit and "corruption," he now tells us that we *must* believe him guilty because he signed a statement to that effect, and don't we all know that Nolan wouldn't lie?

MALCOLM MUGGERIDGE described political journalists as "power voyeurs." Seldom has anyone earned the description more richly and thoroughly than has Dan Walters. The opposite of Theodore Roosevelt's man "in the arena," Walters is more like a shark trailing an ocean liner, feeding on its garbage and hoping someone will fall overboard occasionally to provide him a feast. There *is* corruption in the capital, and a large part of it is journalistic. It appears in the form of lies and character assassination portrayed as "honest reporting," and is published under the byline "Dan Walters." CPR

Firing on Goliath

The 'Leonard Law' and the Individual Rights Foundation spell trouble for campuses suppressing free speech

Maura Whalen

UNTIL RECENTLY, California university students enjoyed little protection against campus administrators and professors engaged in repressing their freedom of speech and thought. In 1992, however, a bill proposed by California state Senator Bill Leonard became law against minimal opposition in the state Legislature. The law provides that speech that would be constitutionally protected *off* campus is deemed also to be protected *on* campus. It provides a cause of action against any high school, college, or university, public or private, that threatens to sanction any student engaging in protected speech or expression. Further, it provides for injunctions and restraining orders for the payment of attorneys' fees to the winning party in any dispute falling under its terms.

Maura Whalen works at the Center for the Study of Popular Culture.

Why such a law? Because at universities in California and across the nation, codes of conduct have been created that "criminalize" expression deemed to be "insensitive." An epidemic of despotic abuses under the heading "political correctness" has followed, with students finding themselves under suspicion for the most innocuous acts. A student at the University of Pennsylvania is rousted by campus police for calling members of a black sorority "water buffalo" as they engaged in a disruptive midnight party outside his window. A student at Marrietta College is charged with "sexual harassment" and threatened with expulsion for referring to lesbianism as "deviant" in the campus newspaper. A fraternity at California State University Northridge is thrown off campus for 14 months for printing an invitation to a Mexican theme party with a footnote that the party is in honor of "Lupe," a character in a bawdy drinking song. In the past, administrators could be depended upon to inject some maturity and sobriety into the educational environment, particularly when youthful emotions threatened to boil over. But now not only is sobriety in short supply among administrators, the zealots are often found in their ranks.

The Leonard Law was passed to address these campus attacks on free speech. For the same reason, the L.A.-based Center for the Study of Popular Culture last year launched the Individual Rights Project. More recently re-established as the Individual Rights Foundation, it contacted campus administrators throughout the state to inform them of the new law and to warn against breaking it. While some schools responded by changing their speech codes to conform with the law and oth-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

strike some people as implausible, especially considering the kind of material his column contains day after day, but who can say for sure? In any case, he should pray, as should we all, to be spared ever facing such a test, lest he learn what sort of man he is.

But it is preposterous to the point of imbecility to argue that no man on earth, if innocently-accused, would ever sign a coerced confession, would ever reach his breaking point or conclude that the cost of honesty had risen too high. Walters knows that sometimes innocent people *do* agree to spend 33 months in jail and even to endure much harsher punishments if the alternatives offered them are sufficiently bleak. It is "ironic," as Walters would say, that after accusing Pat Nolan of years of deceit and "corruption," he now tells us that we *must* believe him guilty because he signed a statement to that effect, and don't we all know that Nolan wouldn't lie?

MALCOLM MUGGERIDGE described political journalists as "power voyeurs." Seldom has anyone earned the description more richly and thoroughly than has Dan Walters. The opposite of Theodore Roosevelt's man "in the arena," Walters is more like a shark trailing an ocean liner, feeding on its garbage and hoping someone will fall overboard occasionally to provide him a feast. There *is* corruption in the capital, and a large part of it is journalistic. It appears in the form of lies and character assassination portrayed as "honest reporting," and is published under the byline "Dan Walters." CPR

Firing on Goliath

The 'Leonard Law' and the Individual Rights Foundation spell trouble for campuses suppressing free speech

Maura Whalen

UNTIL RECENTLY, California university students enjoyed little protection against campus administrators and professors engaged in repressing their freedom of speech and thought. In 1992, however, a bill proposed by California state Senator Bill Leonard became law against minimal opposition in the state Legislature. The law provides that speech that would be constitutionally protected *off* campus is deemed also to be protected *on* campus. It provides a cause of action against any high school, college, or university, public or private, that threatens to sanction any student engaging in protected speech or expression. Further, it provides for injunctions and restraining orders for the payment of attorneys' fees to the winning party in any dispute falling under its terms.

Maura Whalen works at the Center for the Study of Popular Culture.

Why such a law? Because at universities in California and across the nation, codes of conduct have been created that "criminalize" expression deemed to be "insensitive." An epidemic of despotic abuses under the heading "political correctness" has followed, with students finding themselves under suspicion for the most innocuous acts. A student at the University of Pennsylvania is rousted by campus police for calling members of a black sorority "water buffalo" as they engaged in a disruptive midnight party outside his window. A student at Marrietta College is charged with "sexual harassment" and threatened with expulsion for referring to lesbianism as "deviant" in the campus newspaper. A fraternity at California State University Northridge is thrown off campus for 14 months for printing an invitation to a Mexican theme party with a footnote that the party is in honor of "Lupe," a character in a bawdy drinking song. In the past, administrators could be depended upon to inject some maturity and sobriety into the educational environment, particularly when youthful emotions threatened to boil over. But now not only is sobriety in short supply among administrators, the zealots are often found in their ranks.

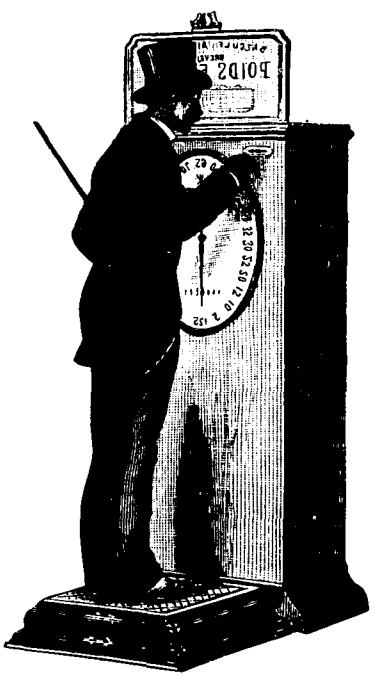
The Leonard Law was passed to address these campus attacks on free speech. For the same reason, the L.A.-based Center for the Study of Popular Culture last year launched the Individual Rights Project. More recently re-established as the Individual Rights Foundation, it contacted campus administrators throughout the state to inform them of the new law and to warn against breaking it. While some schools responded by changing their speech codes to conform with the law and oth-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ers indicated their intention to be bound by it in disciplinary procedures, some, including Cal State Northridge, ignored it, continuing as before, as though it had never been passed. The Individual Rights Foundation moved to force Northridge to comply and won its case in three months.

In another incident, at U.C. Riverside, a fraternity produced a T-shirt whose logo depicted a man wearing a serape and sombrero, sitting on a beach, and watching the sunset. A Chicano radical group accused the fraternity of "racism" and the administration suspended it, alleging civil rights and statutory violations. After Individual Rights Foundation lawyers sued on the fraternity's behalf, it was reinstated, its members received unconditional amnesty, and, to add a note of poetic justice, the administrators involved had to endure sessions of "First Amendment Sensitivity Training."

BESIDES TAKING on university administrations, the Individual Rights Foundation also undertakes litigation against individual professors who use ideological pressure to suppress students' rights. Most campus attacks on First Amendment rights are led by radical professors. They participate in the rallies and organize the official efforts against campus organizations and students. They spearhead efforts to harass guest speakers so the students won't hear alternative ideas. Although the Leonard statute does not speak in terms of individual wrongful acts by professors, our position is that professors are agents of the university and act with official authority. It is our belief professors must be held accountable when they stifle dissent.



To illustrate: Occidental's ATO Fraternity published a newsletter distributed *only* to its 28 members. A copy of one issue that contained an "insensitive" limerick was stolen, reproduced, and a campus feminist group distributed it widely. The radicals became unhinged, charging "sexual harassment" and demanding the fraternity's expulsion and punishment for its members. The chapter, feeling lost and abandoned, was prepared to capitulate when Individual Rights Foundation lawyers offered their services at no cost to intercede with the administration and, if necessary, to undertake litigation on their behalf. A "demand" letter was sent to Occidental President John Slaughter informing him that imposing sanctions would violate state law, subject the college to legal action, and result in an award of attorneys' fees to the fraternity. Campus radicals continued to demand punishment for ATO and the administration stalled — until a final deadline was set by IRF lawyers. When the college's lawyers advised that it had no chance of winning in court, the administration capitulated, cancelling disciplinary action and granting ATO a temporary victory.

However, not content to let the college retreat with a degree of dignity intact, several *professors* met in secret to consider ways to circumvent the law. Individual Rights Foundation lawyers immediately filed suit naming Occidental *and* the professors. Six days later Occidental capitulated completely, formally agreeing to grant ATO's members unconditional amnesty, to rewrite the sexual harassment policy to make it conform with the First Amendment, and to decriminalize their disciplinary procedures.

THESE VICTORIES, however, have only begun to address the full problem. IRF is now receiving calls from students throughout the country. Helping them effectively will keep attorneys busy in every state interceding, in litigation if necessary, to protect their rights. Already, a network is forming of affiliated lawyers (numbering 123 so far) willing to work *pro bono* or on a reduced fees basis to undertake this task. Also, we are establishing IRF student chapters at law schools to provide our *pro bono* or discounted fee lawyers volunteer services by law students. These services can include traditional clerking work, *pro forma* appearances, preparation of legal research, and drafting of pleadings. The students will work in real law offices, gaining "real world" experience and meeting a variety of lawyers who can help them launch their new careers.

Since most states lack Leonard Law-style protections, IRF has also established an educational program to tell people in other states (as well as here) about the California statute and about our record in enforcing it.

So far, our focus has been on university campuses, but the erosion of traditional constitutional freedoms also infects institutions from the entertainment industry to manufacturing companies to the scientific community. Even the ACLU, though founded specifically to defend individual rights, has lost its philosophical neutrality and has become an ideological battleground in this war. Thus, IRF lawyers are now defending property rights against environmental strangulation and will begin addressing issues of press freedom and racial preferences in private industry. Much work remains to be done. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

So-Called Undesirables

Wacko judges run counter-culture experiments using our cities as guinea pigs. When will the people shout 'Enough'?

Mark S. Pulliam

VIRTUALLY EVERY major city has a Skid Row. This is true today and it was true 30 years ago. The difference between then and now is that the Skid Row of 30 years ago was an isolated area of downtown. In general, the inhabitants of Skid Row were regarded as unsavory individuals who exhibited either personal inadequacies or moral irresponsibility. If derelicts harassed passers-by or exhibited disorderly conduct, they would be arrested and jailed. Things have changed.

According to liberal elites, it is not the homeless' fault that they live in filth and squalor. They are victims; *society* is to blame. And victim status brings a now-standard package of fringe benefits: media support, advocacy groups, *pro bono* legal representation (some of it funded by the State Bar), and, most important of all, special "rights" conferred by our legal system. William A. Donohue reminds us that:

> an obsessive fixation on the rights of the accused ... has blinded us to the morally prior rights of the lawful ... Much more can be learned about the quality of life in urban America by strolling through a neighborhood park than by reading the latest crime statistics .... [U]rban parks are not for everyday folk — they are for junkies, degenerates, and thugs. And that is why the lawful stay away: urban parks are practically owned by the lawless. It is strange that decent people who pay for the parks cannot use them, but indecent people who do not pay for them are allowed to abuse them .... It is a vivid commentary on urban America that most decent people have simply given up, surrendering to offensive young males the control of its parks.

Where did we go wrong?

Beginning in the 1960s, liberal judges began to undermine the ability of law enforcement to maintain public order, and that trend continues. In 1972, for example, the U.S. Supreme Court, in an opinion written by Justice William O. Douglas, held in *Papachristo v. City of Jacksonville,* that a municipal vagrancy ordinance was unconstitutionally "vague." The notion is that a law must be written clearly enough that a person has fair notice of what is forbidden. Courts unwilling to permit the incarceration of vagrants nit-pick the wording of ordinances for not being sufficiently specific and giving too much discretion to the police. So amorphous is the "vagueness" standard that courts can find any ordinance they don't like to be invalid on this basis. Liberal judges wax romantic about vagrants — Justice Douglas referred to them as "nonconformists," "carefree type[s] of fellow[s]," and "so-called undesirables" — and view the police with suspicion. Douglas conceded that "vagrancy statutes are useful to the police," but felt that the police could not be trusted to enforce them fairly.

A federal judge in New York held that loitering for the purpose of begging in public is "free speech" protected by the First Amendment. Another federal judge, in New Jersey, ruled that a city violated the constitutional rights of a homeless person whom it had barred from a public library due to his lack of personal hygiene and offensive body odor. Although this ruling was ultimately reversed, in the meantime the city paid the homeless person $150,000 in an out-of-court settlement. And so it goes. As some ordinances are invalidated, many others go unenforced. The judiciary has become hostile to the desire of ordinary citizens to preserve the cleanliness and order of public areas. Liberal judges now routinely overturn ordinances on the grounds of "vagueness" and "overbreadth."

THE CONSEQUENCES are evident in our urban areas, which have become a "sickening riot of rot and disorder," in Myron Magnet's words in *The Dream and the Nightmare.* The latest chapter in this sordid saga is the February 2, 1994, decision of the Fourth District Court of Appeal in *Tobe v. City of Santa Ana.* In response to concerns about vagrants overwhelming public areas, littering parks with sleep-

Mark S. Pulliam, an attorney practicing in San Diego, is CPR's *Legal Issues Correspondent.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing bags, shopping carts and related paraphernalia, and loitering in residential areas, Santa Ana enacted an ordinance prohibiting "camping" and the storage of personal property in streets and public areas. The appeals court held that the ordinance was unconstitutional because it violated the vagrants' fundamental "right to travel," constituted "cruel and unusual punishment," and ran afoul of the now familiar grounds of "vagueness" and "overbreadth." Let's take these one at a time.

What is the "right to travel?" It is a right that courts invented, found nowhere in the Constitution. In the words of the court, "[a]rrests for such offenses as loitering or roving public streets without identification impinge on the right to travel." But Santa Ana was not prohibiting the homeless from travelling; to the contrary, the city was preventing them from staying in one place — "camping" in public areas. No problem. The court reasoned that "the right to travel includes the right to live or stay where one will." The enforcement of laws that prevent homeless individuals from sleeping, eating, and "performing other life-sustaining activities burdens their right to travel." The court seemed especially concerned that the city's camping ordinance might actually succeed in inducing the homeless to leave Santa Ana.

WHAT ABOUT "cruel and unusual punishment?" I thought that applied to things like thumb screws or the rack. Not anymore. Characterizing the city's conduct as a "crusade against the homeless," the court said "[t]he ordinance also violates the constitutional prohibition against cruel and unusual punishment because it criminalizes involuntary status." But the ordinance does not prohibit the status of being poor or "homeless," it merely prohibits people — regardless of socio-economic status or motivation — from taking up residence in parks and other public areas. How can conduct be considered "status"? Because in the court's view, the "homeless" have no *control* over whether they choose to sleep and defecate in public areas! "Homelessness," the court ruled, "like illness and addiction, is a status not subject to the reach of the criminal law; and that is true even if it involves conduct of any involuntary or necessary nature, e.g., sleeping." Moreover, "The camping ordinance, if allowed to stand, would turn the county jail into a poorhouse and, thus, ... destroy liberty. Punishment for poverty — which the camping ordinance surely is — is cruel and unusual punishment." Even assuming that only poor people would "camp" in public areas, one wonders why a destitute person is any less free living in a warm, dry cell in county jail, and any more free living in rags, eating out of trash cans, and pushing a grocery cart.

Finally, the vagueness gimmick. The court ruled that the ordinance was invalid because it provided "no distinction between picnicking and 'camping'" and therefore left "enforcement to the virtually unfettered discretion of the police." If the police cannot be trusted to distinguish between a family picnicking and a derelict sleeping, who can? In the court's view, the citizenry will be better off if the police have no discretion, effectively preventing the enforcement of laws democratically enacted. As noted earlier, the court accused the city of conducting a "crusade against the homeless" and it was partially right. When citizens pass laws forbidding vagrancy in public areas, they have made a collective judgment regarding how they wished to be governed. There is nothing inappropriate about a majority passing such laws; it is called self-government. By overturning that law, the court took sides against the citizens of Santa Ana, in effect conducting a crusade of its own, against the city and against common sense.

We must realize that order maintenance is an important aspect of civilized life. It contributes significantly to the promotion of public safety and law abiding behavior. Since 1990, when the New York Transit Authority was allowed to prohibit panhandling in the subway system, the rate for robbery has declined by 41 percent and the rates for felonious assault and grand larceny have decreased 36 percent. The converse is also true; the existence of visible disorder undermines public safety and contributes to a milieu of lawlessness. The failure to maintain public order creates an unnerving atmosphere that organized society has lost control. An atmosphere of chaos and anarchy is the antithesis of a community. Public displays of indecent and disorderly conduct corrode civic confidence in our institutions, in our ability to govern ourselves, and in our system of values.

THE HOMELESS who are mentally ill should be treated in an institutionalized setting and the government should provide a safety net for those who — due to age or infirmity — are unable to provide for themselves. Able-bodied adults down on their luck should rely on friends, family, and private charity, and, as a last resort, the government. In any event, the "homeless" should not be exempt from the criminal law or from moral responsibility for their conduct. And the public should not be prevented from enforcing laws prohibiting vagrancy, loitering, and so forth. Critics will accuse me of seeking to "turn back the clock," and they will be right. As a society and a culture, we are surely worse off than we were 30 years ago.

The irony is that misplaced sympathy for the "homeless" exacerbates the problem. Kevin Starr, a columnist for the *San Francisco Examiner,* observes that "[h]erein lies the paradox. The very toleration of San Francisco has become a form of cruelty, to both those who are genuinely suffering and to the

(Please turn to page 34)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Ignorance plus demagoguery= *Gun Control*

David B. Kopel

Did you know:
that America has 20,000 gun control laws?
that they've had no significant impact against criminal violence?
that so-called "assault weapons" differ from hunting rifles only in appearance?
that David Roberti helped suppress evidence about the futility of his "assault weapons" ban?
that the Brady Bill would not have helped Jim Brady?
Driven by media-perpetuated false assumptions, gun control hysteria threatens to remove our best defense against violent crime.

As DEATHS from rampant gun violence mount, Americans insist on action to combat crime.

Although the per capita murder rate remains below the record set in 1980, the actual number of homicides reached an all-time high of 24,703 in 1991, with most of the murders committed with guns. Most disturbing of all is the rise in violent crimes committed by gun wielding teenagers. Able to acquire dangerous weapons with ease, in spite of a nationwide prohibition on firearms sales to minors, teenage thugs display a disregard for human life that would have shocked even the criminals of earlier generations. The latest terror is the seizure at gunpoint of automobiles from their drivers, usually women.

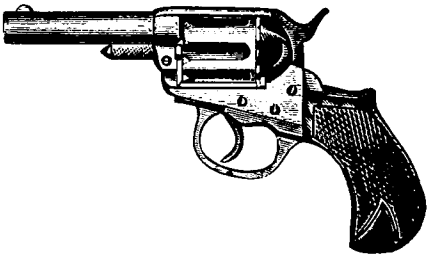
As armed gangs settle turf disputes over drug-selling territory through mortal combat, they kill not only each other, but innocent bystanders caught in the cross-fire. Firearms violence, once thought to be the problem only of the inner city, is feared to be spreading into the suburbs and beyond.

To some well-meaning Americans, the antidote to gun crime is gun control. Former Senator Alan Cranston and Senator John Chafee call for confiscation of all handguns. Other voices, such as Handgun Control, Inc.'s Sarah Brady, demand a ban on "assault weapons," a national licensing and registration system for handgun ownership, and unannounced police inspections of the homes of gun collectors. "To me," she says, "the only reason for guns in civilian hands is for sporting purposes."

At the same time, the National Rifle Association adds tens of thousands of new members every month, taking membership to a record 3.3 million.

Critics of gun control believe that it violates the right to keep and bear arms guaranteed by the Second Amendment of the United States Constitution and by 43 state constitutions (but not by California's). The right to own a gun is seen as intimately related to the natural right of self-defense, to what John Locke described as the natural right to control and protect one's body and property. The Constitutional argument against laws that infringe gun ownership was strengthened by the 1990 Supreme Court case *United States v. Verdugo-Urquidez.* There, Chief Justice Rehnquist observed that the phrase "right of the people" occurs several times in the Bill of Rights, specifically the Second Amendment's "right of the people to keep and bear arms," the First Amendment's "right of the people peaceably to assemble," and the Fourth Amendment's "right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures." In all cases, the Court said, the phrase "right of the people" was used as a term of art that referred to individual Americans. (And therefore, the *Verdugo* opinion concluded, a Mexican citizen in Mexico City could not complain he was unreasonably searched by American drug agents.)

In THE 1993 *Planned Parenthood v. Casey* decision, Justice O'Connor's



David B. Kopel is research director at the Independence Institute, a Golden, Colorado think-tank, and is the author of The Samurai, the Mountie, and the Cowboy: Should America Adopt the Gun Controls of Other Democracies? *Portions of this article appeared previously in* Policy Review.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

majority opinion stated that the "right to keep and bear arms" was one of the "fundamental personal liberties" that the 14th Amendment protected against state and federal interference.

The Supreme Court's observations (which, because they arose in cases dealing with other issues, are non-binding *dicta)* are consistent with the overwhelming body of scholarship regarding the Second Amendment. Of the nearly 50 Second Amendment articles published in law journals of the last 15 years, all but four concur that the Second Amendment was intended to guarantee an individual right to arms. Historian Joyce Malcolm's new book, *Arms for their Defence* (Harvard University Press) examines the historical origins of the Second Amendment in greater detail than any previous author. Professor Malcolm also concludes that the Second Amendment guarantees an individual right.

The Constitutional principles against gun control are supported by a large body of recent social science research, much of which has been produced by scholars who formerly believed that gun control was an obvious solution to crime. When gun control first became an important national issue in the 1960s, almost no research worth mentioning existed on the subject. Partisans on both sides had hardly more ammunition than intuitions and bumper-sticker clichès. What little research existed was tainted by obvious bias and was of marginal competence. It was a case of the blind fighting the blind, akin to the debate of economic regulation and anti-trust that took place at the turn of the 20th century.

THE MAN most responsible for the change in the intellectual terms of the gun debate was Jimmy Carter, or, more precisely, the grant-review team that Carter appointed to the National Institute of Justice. Intending to build the case for comprehensive federal gun restrictions, the Carter administration handed out a major gun control research grant to sociology Professor James D. Wright and his colleagues Peter Rossi and Kathleen Daly. Wright was already on record as favoring much stricter controls and he and his colleagues were recognized as among the sociology profession's brightest stars. Rossi, a University of Massachusetts professor, would later become president of the American Sociology Association. Wright, who formerly served as director of the Social and Demographic Research Institute at the University of Massachusetts, now teaches at Tulane. Daly, also from the University of Massachusetts, is currently at Yale.

'Assault weapons' simply look like military weapons. They fire just like every other common American gun.

Wright and his colleagues were asked to survey the state of research regarding the efficacy of gun control, presumably to show that gun control worked and that America needed more of it. But when Wright, Rossi, and Daly produced their report for the National Institute of Justice in 1982, they delivered a document quite different from the one they had expected to write. Carefully reviewing all existing research, the three scholars found no persuasive scholarly evidence that America's 20,000 gun control laws had reduced criminal violence. For example, the federal Gun Control Act of 1968, which banned most interstate gun sales, had no discernible impact on the criminal acquisition of guns from other states. Washington, D.C.'s 1977 ban on the ownership of handguns that had not already been registered in the District was not linked to any reduction in gun crime in the District. Even Detroit's law providing mandatory sentences for felonies committed with a gun was found to have no effect on gun crime patterns, in part because judges would often reduce the sentence for the underlying offense in order to balance out the mandatory two-year extra sentence for use of a gun.

THE MOST thorough subsequent study of the efficacy of gun control has been performed by Florida State University's Gary Kleck, who analyzed data for all 170 U.S. cities with a population over 100,000, testing for the impact of 19 different types of gun controls, looking for the controls' effect on suicide, on accidents, and on five different crimes. Kleck (a liberal Democrat and ACLU member) found, as had other researchers, that gun controls did reduce gun suicide, but not the overall suicide rate. The only control that reduced crime was a strict penalty for carrying an illegal gun, which seemed to lower the robbery rate. Waiting periods, various licensing systems, and registration appeared to have no statistically discernible impact. Kleck's analysis was based on data for the years 1979-81 and is included in his recent book *Point Blank,* which contains the best single-volume overview of gun control research. (The book was honored by the American Society of Criminology as the most important criminology book written in the last three years.)

Wright and Rossi produced another study for the National Institute of Justice, this one involving the habits of America's felons. Fifty-six percent of the prisoners said that a criminal would

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not attack a potential victim who was known to be armed. Seventy-four percent agreed with the statement: "One reason burglars avoid houses where people are at home is that they fear being shot during the crime." Thirty-nine percent of the felons had personally decided not to commit a crime because they thought the victim might have a gun, and eight percent said that experience had occurred "many times." Criminals in states with higher civilian gun ownership rates worried the most about armed victims. Since criminals can never be entirely sure which burglary targets may or may not contain a homeowner with a gun, or which potential robbery or rape victims may be carrying a concealed firearm, the ownership of firearms by half of American households provides a general deterrent to crime which benefits the entire population.

Consistent with the reports of criminals, ordinary citizens also report that gun ownership plays an important role in preventing crime. Professor Kleck estimates that firearms are used approximately 2.5 million times for defense against an attacker every year in the United States. The figure is based on in-depth surveys conducted by Professor Kleck using experienced interviewers. The questioners weeded out respondents whose defensive "use" amounted to a mere paranoid reaction to a bump in the night or a cat knocking over a garbage can. Of course, a gun "use" for defense does not mean a shot is fired or an attacker wounded or killed. At least 90 percent of self-defense usage, says Kleck, involves merely a brandishing or referring to a weapon to deter a perceived attack.

WHILE THE large majority of defensive handgun use is simply brandishing a weapon to frighten away an attacker, Kleck suggests that 1,700 to 3,100 homicides a year are actually justifiable homicides committed by citizens using a firearm to defend themselves or another person against violent attack.
(That's about 7 to 13 percent of all homicides.) Statistics showing that self-defense accounts for a smaller portion of homicides are flawed because the statistics are based on arrests, rather than final disposition of cases. For example, in July 1990, a Bronx, New York, man was held up at gun point by two robbers. Refusing to submit, the man bit a robber's arm, forcing the robber to drop a handgun. A scuffle ensued, and the victim picked up the handgun and shot the robber dead. The man was arrested and charged with murder, although a police spokesman said investigators thought the man had acted in self-defense. The shooting would be listed in FBI statistics (which are based on arrests) as a murder perpetrated by a person unknown to the victim, even if a court later determined the man's actions to be justifiable self-defense.

Likewise, if a woman shoots an abusive ex-husband who has been stalking her and who breaks into her home, the odds are that she will be arrested (and end up in FBI statistics as a murderer), even though the odds are also high that a prosecutor, grand jury, or trial jury will later find that her actions were lawful self-defense. So ironically, a large number of cases in which a firearm was used to protect innocent life end up in federal government crime data as illegal homicides and are used to bolster the case against gun ownership.

"Assault" Weapons

WHILE MOST Americans believe they have a right to own a gun, and believe that guns can be protective, even many gunowners are baffled at the gun lobby's apparent intransigence in its refusal to accept a ban on "assault weapons" or a waiting period on gun purchases. The "assault weapon" issue, however, turns out to involve much less than meets the eye. First of all, it should be emphasized that most persons who own semi-automatics support strong controls on actual machine guns.

EVER SINCE the National Firearms Act of 1934, acquisition of real machine guns — guns that continue to fire bullets as long as the trigger is squeezed — has required a difficult-to-obtain federal license. The NRA did not oppose the restrictive machine gun law when it was enacted, and has never indicated any desire to repeal the law.

While machine guns do have a unique capacity for rapid fire, so-called "assault weapons" do not. Although most of the public believes that "assault weapons" are machine guns, the guns in question simply *look* like military weapons. Appearances notwithstanding, the guns fire just like every other common American gun: squeezing the trigger fires one, and only one, bullet. According to Doctor Martin Fackler, former director of the U.S. Army's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wound ballistics research laboratory, so-called "assault weapons" are actually less lethal than many firearms commonly associated with hunting, such as an old-fashioned 12- gauge Winchester shotgun. The Bureau of Alcohol, Tobacco and Firearms states that no guns available for sale to the public can be easily converted to fire automatically.

THAT "SEMI-AUTOMATIC assault weapons" differ from other guns only cosmetically is one reason legislative bodies have had so much trouble defining them. Some definitions, such as that contained in Senator David Roberti's "assault weapon" ban enacted in California, are simply a list of particular guns with a military appearance, guns that are in no way distinguishable on the basis of firepower from many other guns not on the list (such as the popular hunting rifles made by Winchester, Remington, and Ruger). As former U.S. Attorney General Richard Thornburgh noted, the main characteristic of an "assault weapon" seems to be that it has a black plastic stock rather than a brown wooden stock.

Although prohibitionists have claimed that so-called "assault weapons" are the "weapon of choice" of criminals, such guns constitute a very small number of the crime guns seized by the police.

In California in 1990, "assault weapons" comprised 1.3 percent of weapons involved in violent crime (homicide, aggravated assault, and armed robbery), according to a report prepared by the California Department of Justice, and based on data from police firearms laboratories throughout the state. Although Attorney General Dan Lungren had compiled the data at the request of state Senator Robert Presley, the attorney general's office refused to release the report, and insisted that it did not exist. A leaked copy, however, found a way to the light of day.

Attorney General Lungren's predecessor, former Attorney General John Van de Kamp, had likewise avoided publicizing information about the use of "assault weapons" in crime. A memo from Van de Kamp's office showed that, even as the attorney general was using state funds to hire a public relations firm to push the Roberti gun ban, the attorney general, Senator Roberti, and other gun prohibition strategists decided in January 1989 not to ask police firearms examiners for data, *because the examiners' data would not support the premises on which the Roberti prohibition bill was based.*

For example, according to Detective Jimmy L. Trahin of the Los Angeles Police Department Firearms/Forensics Ballistics Unit, of the 4,000 or more guns seized by police during 1988, only three percent would fall under even an expansive definition of "assault weapon." Of the 3,000 firearms seized by the San Diego police in 1988-90, only 9 are "assault weapons" under the California definition. In San Francisco, only 2.2 percent of the firearms confiscated in 1988 were military-style semi-automatics. The media, however, almost universally ignored the hard data supplied by police firearms specialists. Instead, politically-oriented police administrators were allowed to make blatantly false claims about "assault weapons" as the "weapon of choice." The supposedly skeptical media treated these fabrications as unchallengable truth.

OCCASIONALLY SO-CALLED "assault weapons" are used in gruesome mass-murders. In Stockton, California, in January 1991, Patrick Purdy used a Kalashnikov-type semi-automatic rifle to fire 105 shots in about four minutes at a schoolyard of Cambodian immigrant children. Thirty-five people were wounded, six of whom died. Purdy's rate of fire could have been duplicated by anyone with an old-fashioned bolt-action rifle or simple revolver, and autopsies of the victims showed that the wounds were approximately equal in severity to wounds associated with a medium-sized handgun, which explains why 29 of the 35 people who were shot survived. Thus, Purdy could have committed the same crime using many other types of guns. But the media incorrectly told the American public that Purdy had used an automatic AK-47 rifle — a machine gun — *and* that such guns could be bought over the counter. The media's lack of interest in the difference between a machine gun and a gun that just *looks* like a machine gun is symptomatic of the media's general lack of attention to accuracy in the gun control debate.

Lost in the media frenzy over Purdy's gun was Purdy himself (who committed suicide with a pistol at the end of his spree). Purdy perpetrated his crime after he had told a state mental health worker that he thought about committing a mass murder with a gun or a bomb and after he had been let out of jail early for his conviction of assaulting a police officer, even though a parole report called him "a danger to himself and others." Purdy had a lengthy history of crime and arrests, including a robbery in which a 55-year-old woman was seriously injured, crim-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

inal conspiracy, receipt of stolen property, and possession of illegal weapons, all reduced to misdemeanor charges. His crime career began when he was fourteen years old and continued unabated for the next decade until he killed himself at Stockton. Not one of Purdy's two dozen encounters with the law ever led to more than a few weeks in prison. The media's hysterical focus on Purdy's gun enabled California's decrepit criminal justice bureaucracy to escape public censure for allowing Purdy to roam the streets free to commit his final heinous crimes.

The media's hysterical focus on Purdy's gun enabled California's decrepit criminal justice bureaucracy to escape public censure for allowing Purdy to roam the streets free to commit his final heinous crimes.

That "assault weapons" should appear so rarely as crime guns seized makes sense. Street criminals need concealable weapons, and a Colt or a Kalashnikov rifle is difficult to stick in a pocket. Indeed, rifles of all types constitute a tiny percentage of crime guns.

The Waiting Period

THE WAITING period, like the "assault weapon" ban, becomes considerably less attractive when examined carefully. While the waiting period is often called the "Brady Bill," it would not have prevented John Hinckley from shooting Ronald Reagan and Jim Brady. When Hinckley bought the two handguns in October 1980, he had no felony record and no public record of mental illness. The simple police and mental health records check proposed by the Brady Bill would not have turned up anything on him. And since Hinckley bought the guns more than five months in advance, a one-week wait would have made no difference to him.

Wall Street Journal columnist and gun control enthusiast Albert Hunt asserted in a November 18, 1993, column that "the Brady Bill might have stopped John Hinckley's handgun purchase, since he gave a phony address." Hunt's claim presumes that the police background checks conducted under Brady would include address verification; yet several police chiefs have already sued the federal government because the Brady law does not even provide funds for a criminal records check, let alone for the numerous man-hours that would be required to verify the address of every handgun buyer.

More significantly, a person's address has nothing to do with his eligibility to buy a handgun under federal law. All that is necessary is that he reside in the same state as the handgun dealer. A false statment on the federal handgun purchase form (such as claiming to be 39 years old when you are really 42 or claiming to live on one street when you really live on a different street), is not even a crime, as long as the false statement does not relate to eligibility to buy.

In the same column, Hunt looks approvingly at what he describes as "Sen. John Chafee's radical proposal to ban most private ownership of guns." Actually, the Chafee bill applies to handguns only, not to rifles or shotguns. At the *Wall Street Journal,* as at most American newspapers, elementary fact-checking is not required for stories that endorse gun control.

If it is determined that the way to keep criminals from getting guns is to impose background checks on retail handgun sales, a mandatory instant records check makes sense. The same technology that allows a store to receive verification of credit card validity within a few minutes (or less) can also allow firearms dealers to dial a state government registry and verify that a gun buyer has no felony record.

The *Wall Street Journal's* Hunt, like many gun control advocates, notes the number of persons who have been stopped from buying guns under a waiting period law (11,622 in California in 1992-93) as proof that waiting periods work. Of course an equally large (or larger) number would be stopped under the mandatory instant check (backed by the NRA) as opposed to an optional check with a mandatory wait (backed by Handgun Control, Inc.). In addition, gun controllers such as Mr. Hunt ignore the fact that the reason so many people with criminal records get "caught" buying guns in gun stores is that many of them are decent citizens who did not realize that some past transgression (such as a fistfight that earned them a night in the brig during the Korean War or treatment of alcoholism 10 years ago) made it illegal for them to possess a gun; that is why they went to a gun store, disclosed their identity, and came back 15 days later, expecting to pick up a gun. Gun control advocates never point to any research showing that a waiting period has reduced crime. That is because all the scholarly research shows that waiting periods have *no* statistically noticeable effect.

A "COOLING OFF" period for handgun purchases requires a number of unlikely assumptions in order to work. First, the potential murderer must not know how to buy a handgun on the black market, or how to obtain one from friends, relatives, or acquaintances. In addition, the type of murder

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he intends must not be one for which a readily available alternate weapon, such as knives, automobiles, or bare hands will work. Finally, the person who was literally ready to perpetrate a murder on day one of the waiting period must calm down by day seven, and stay calm from that day forward.

This scenario, while implausible, is not hypothetically impossible. So it is theoretically imaginable that a waiting period could "save at least one life." But a waiting period can cost lives too.

EVEN A short waiting period will inevitably result in persons being unable to protect themselves from criminal attack during the waiting period. When Los Angeles citizens went to gun stores to buy firearms to protect life and property during the 1992 riots, they were told to come back 15 days later, to comply with California's waiting period on all guns. After Hurricane Hugo, Florida's looters did considerably less damage than their California counterparts, partly because while Florida has a three-day handgun waiting period, it has no wait at all on long guns. And waiting period victimizations are not confined to periods of civil disorder.

In September 1990, a mail carrier named Catherine Latta of Charlotte, North Carolina, went to the police to obtain permission to buy a handgun. Her ex-boyfriend had previously robbed her, assaulted her several times, and raped her. The clerk at the sheriff's office informed her the gun permit would take two to four weeks. "I told her I'd be dead by then," Ms. Latta later recalled. That afternoon, she went to a bad part of town, and bought an illegal $20 semi-automatic pistol on the street. Five hours later, her ex-boyfriend attacked her outside her house, and she shot him dead. The county prosecutor decided not to prosecute Ms. Latta for either the self-defense homicide, or the illegal gun.

A Wisconsin woman, Bonnie Elmasri, was not so lucky. On March 5, 1991 she called a firearms instructor, worried that her husband — who was subject to a restraining order to stay away from her — had been threatening her and her children. When she asked the instructor about getting a handgun, the instructor explained the Wisconsin has a 48-hour waiting period. Ms. Elmasri and her two children were murdered by the man 24 hours later.

The relatives of people murdered during the waiting period have no legal recourse, even if they can prove that the police failed to protect a person after specific threats were made. Under the doctrine of sovereign immunity, the police have no legal obligation to protect an individual against crime.

Polling data suggest that most Americans prefer the instant check to the waiting period, particularly when presented with the choice of mandatory immediate check versus a waiting period with no requirement that any check be conducted. At the national level, the Brady law will sunset into an instant check within five years. But specific legal change will still be needed in California to replace the 15 day waiting period with an immediate check.

UNFORTUNATELY, ANY kind of background check can be misused by police departments to create a registry of gun owners. In 1991, California admitted that it had used the state's handgun waiting period to create a list of handgun owners, even though nothing in California law authorizes the compilation of such a list.

Although the federal gun control debate talks almost exclusively about retail gun sales, the most effective method to deal with criminals obtaining guns might be to focus on the major source of criminal guns: the black market. A sensible first step in dealing with the black market would be to increase penalties for fencing a gun known to be stolen. In some states, theft and sale of a $75 gun amounts only to petty larceny. Selling a "hot" $75 pistol ought to be a more serious offense than selling a "hot" $75 toaster oven.

Self-Defense For The Chosen Few

While Congress has spent most of its gun control effort debating new restrictions on gun acquisition, the discussion in many state legislatures has shifted to the carrying of firearms. The Second Amendment refers to a right "to keep *and bear* arms," and if the text is read consistently with original intent and judicial interpretations of the following century, the government cannot require that citizens ask for permission to carry an unconcealed gun in public.

But in many states, including Cali-

(Please Turn to page 35)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Criticus

Happy Holy Days

G. B. Tennyson

As EVERY schoolboy knows, the word *holiday* is a contracted or run-together form of *holy day,* just as every other schoolboy also knows that *goodbye* is a similar run-on form of *God be with ye.* As perhaps every third schoolboy knows, *holiday(s)* is the common British term for what Americans call *vacation,* reserving the word *holiday* for specific stated days marking certain events or people throughout the year. In that respect, American usage is more conservative than British, which employs holiday indifferently for both American *holiday* and American *vacation.* By confining holiday to particular, named days, American usage carries more of the echo of the original idea of a day set aside, a holy day. A vacation, like the parallel French term *vacances,* merely signifies going away, vacating one's normal places of activity. But these distinctions are subtle ones, perhaps even distinctions without a difference, since they serve mainly to remind us that most of the time the echo of *holy day* in *holiday* is faint indeed.

Last year about this time, I was moved to speculate on the mythic significance of the holiday that is the highest of all holy days in the Christian Year, Easter. (Criticus, "Myth, Culture, and the Easter Egg," *CPR,* Spring 1993). The time having been once again fulfilled so that when you read this we will be in Eastertide, I find the issue of holidays and holy days coming anew to the fore, but this time weighing heavily rather than otherwise. For what we must acknowledge is that in the public culture of our time there really is no longer such a thing as a holiday, that in fact, despite our continued use of the term for specific days, we have turned holidays into vacations.

Let us go, then, you and Criticus, down the 1994 "Success Calendar" holiday highway to see just what are considered holidays in America and what they really mean. The "Success Calendar" was chosen because it is a widely used desk appointment calendar that appears to reflect standard American practice regarding significant dates. At the front of the calendar year, "Success" lists 26 "principal U.S. Holidays, Holy Days, and Commemorative Days." (Note how a popular calendar must distinguish now between *holidays* and *holy days.)* Of that 26, I count a mere six as being undeniably religious holidays, saints Valentine and Patrick not in my view qualifying. Of that six, four are Jewish holidays (Passover, Rosh Hashanah, Yom Kippur, and Hanukah) two are Christian (Easter and Christmas), which may well represent the actual degree of intensity of observance by the relevant parties, though it seems notably off-balance in terms of stated religious affiliations of the American populace. The remaining 20 make up a mixed bag of patriotic, family, and sentimental days, including some that are observed mainly in the breach.

Truth to tell, the great majority are observed mainly in the breach in that even when a day is actually set aside as a non-working day, it has been engineered to suit the three-day weekend holiday bill which means that it will be spent *en vacances* rather than in observance. One could well wish to translate *en vacances* literally though unidiomatically as "in vacancy," that being the mental state of most of those in flight for the long weekend. But charity keeps breaking in.

Unlike our medieval and even our colonial forebears who began the new year with that holiday once pleasingly called Lady Day, that is, the Feast of the Annunciation, March 25, we moderns begin the new year with New Year's Day in January. It originally marked more or less the end of the licentious Roman saturnalia and now marks the ends of the licentious modern saturnalia that we still perversely call Christmas, unless we are newscasters or editorial writers, in which case we call it the "Holiday Season." No one supposes that there is anything holy in New Year's Day; there never was.

Next follow two *soi-disant* modern saints' days, Martin Luther King Day (third Monday in January) and Lincoln's birthday in mid-February. The latter has been eclipsed by MLK Day, and in general the Great Emancipator is scarcely any longer regarded by anyone. He hangs on only in the worthless penny, which is preserved against all reason for the sake of merchants who like to advertise goods for a dollar amount plus 99 cents. Everyone will have seen shops where bowls of pennies are left on the counter for the customers who are short of them or as the case may be long on them and eager to dispose of the excess. Good riddance to the coin and the image it bears: render unto Lincoln ...

As FOR MLK, those who actually venerate him constantly complain that his day should not be viewed as an ethnic or racial set-aside, and those who care rather less for the Martyr of Memphis are heard to say, "Look, I'll take any three-day weekend I can get, especially when it's in ski season." Nevertheless, King Day is the closest public holiday to a saint's day that our society knows. God, it seems, spoke this year on the day and spoke most loudly in Northridge.

More important for moderns is St. Valentine's Day. Scholars are in some dispute about whether the date is correct. One specialist goes so far as to denounce it as a mistake occasioned by misreading of manuscripts and dates, and he claims Valentine for May. Certainly it does seems strange that the

G. B. Tennyson is professor of English at U.C.L.A. and co-editor of Nineteenth Century Literature.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spring-like flutter of mating birds should start quite so early as February 14, but youth must be served and so must the candy industry, which has taken over the hapless Valentine (who was actually a martyr) and made him an excuse to eat sweets.

Then we have George Washington's birthday on February 22, which has been subsumed with Lincoln and presumably all others — Tyler, Pierce, Fillmore, Van Buren — into something called vaguely Presidents' Day on the third Monday in February. Another good ski weekend. It also means that now the only person whose name is attached to a nationally-observed three-day holiday is Martin Luther King. No wonder God spoke so sternly.

St. Patrick, who incidentally was not Irish, has his day on March 17. As with Valentine, I did not count Patrick's day as a religious holiday despite its source in the calendar of saints. In this country it has always been an ethnic or national-origins holiday, and has long since passed beyond its old northeastern U.S. constituency and become a national party day, or, as this year, a day for other constituencies to invite more judicial activism. As Valentine has been taken over by the candy makers, so Patrick has been appropriated by the distillers and by brewers of (green) beer. The linkage in this case is perhaps understandable.

AFTER PATRICK we have Easter and the Passover, though the order should be reversed. These are truly religious holidays that have not lent themselves to much commercial or vacation use, partly because they are moveable feasts and cannot be made into three-day weekends. There has been among some liturgical revisionists a sentiment for fixing Easter as a firm date. Should that succeed and Easter Monday become part of a three-day weekend, then Easter too will have been absorbed into another national vacation day. So far there has been only a partial appropriation, again mainly by candy makers, otherwise Easter has proven somewhat resistant to being vacationized. Of course in California you can get the beauty of it hot by dialing a telephone number prefix and the word GLORY. The same line later in the year will bring you the GLORY of Christmas. Can we imagine vulgarity advanced a step or two further and anticipate interactive television on the Information Highway where the viewer will choose his own scenario for the Resurrection?

The medieval peasant may have been willing to believe that witches brought plagues, but the modern urban peasant believes that government brings riches from some inexhaustible trove.

But we mustn't buy trouble, so onward. We can characterize fairly swiftly each of a large group of so-called holidays that take up the late spring and the summer on the Success Calendar listing. There is Mother's, or National Brunch, Day (second Sunday in May); Armed Forces Day (third Saturday in May), of interest only in the few remaining towns with military bases, Memorial Day (last Monday in May), born in the ruin of the Confederacy as Decoration Day but now as a three-day weekend celebrated as the start of summer; Flag Day (June 14), almost universally ignored; Father's Day (third Sunday in June), a kind of Mother's Day for the weaker sex; Independence Day (July 4), still trailing much of its original patriotic fervor because it stubbornly clings to its actual date and thus cannot be vacationized beyond a local barbeque; Labor Day (first Monday in September), a long weekend regarded as the end of summer; Grandparents' Day (first Sunday after Labor Day), an even more attenuated Mother's Day and observed by almost no one.

This brings us into September and to two moveable Jewish feasts. Rosh Hashanah and Yom Kippur, still staunchly religious and hence another good argument for keeping moveable feasts moving, lest they get vacationized into long weekends. September in California brings also Admission Day, but I am dealing here only with national holidays. Of these the calendar next lists "Columbus Day Observance" (second Monday in October), a strange locution for what was once known simply as Columbus Day. It is probably a sign and a portent that, with Columbus now politically incorrect, the day will soon be transformed into something else. Criticus can sense the rustling in the leaves of something like Ethnic Diversity Day. As it stands, Columbus Day is now observed only by the Postal Service (which seizes every holiday it can get), Italian-Americans, and people who live in towns named after the man once revered as "Admiral of the Ocean Sea."

What remains on the list for the rest of the year are among the most interesting and revealing of all our holidays, though they need less explanation than most. One exception to the need for explanation is Halloween, which only Americans observe, for you will wait in vain for trickers and treaters anywhere else in the world. The reason is that this day has been at least as grotesquely transformed from its original meaning as Christmas, perhaps even more, which is saying a lot.

Like the word *holiday*, the word *Halloween* is a contraction, but not one that every schoolboy knows. All Hallows' Eve (or Even — as in eventide) is the eve of the feast of All Hallows, i.e.,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

All Saints. Indeed, properly spelled in older form it was Hallowe'en to indicate the omission of the letter "v." The evil spirits that came forth that night were dispelled by the saints of the next day. All but the notion of witches and goblins has been forgotten in the modern observance. So remote from modern awareness is the meaning of hallows that the word is regularly mispronounced as *Holloween* (an inadvertent pun there), and the event has been so secularized that even newscasters will utter the word without embarrassment or awareness that they are cozying up to something that has a religious dimension. However, the Latino invasion of California may make them sense something about All Souls Day on November 2, but so far they think it is simply a quaint folk custom. In any case, neither All Souls nor All Saints is listed on the Success Calendar; the days after Halloween are after all important only as the start of the Christmas shopping season.

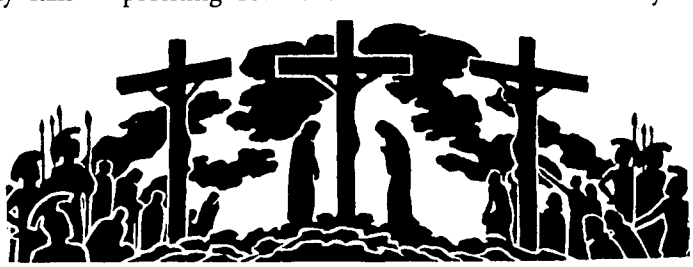
SO ALL that remains is Thanksgiving, Hanukah, and Christmas, and we all know already too much about at least two of them. Thanksgiving has been so fully vacationized that it is now the busiest travel period in the year. This reflects some residual family piety, as most of the travel is to home and parents, and probably it is the one time in the year when grace is said or heard before a meal by just about everyone. Even so, this modicum of reverence is overshadowed by the monster of gluttony the day has come to represent.

Hanukah, a minor feast on the Jewish calendar that I am told is largely unobserved in Israel (where also bagels are considered foreign food), usually falls between Thanksgiving and Christmas, so even its moveability has not been able to prevent its being tainted by its bigger and more vulgar neighbors. It has become a kind of Jewish answer to Christmas and is the worse for it.

As for Christmas itself, the most popular holiday of the year, well, everyone knows what has happened to it, so you don't need Criticus to echo the old bumper sticker urging us to put Christ back in Christmas. That campaign is at best stalled. You can't even legally put Christ in a crèche on public property.

So, after our stroll along Holiday Lane, what can we conclude? We can conclude that, if there is a health crisis, it lies in our national spiritual health. Christmas and Easter are all that remains publicly of a once rich Christian year, and the former looks to be terminally ill, while the latter has a bad cold. Swept away are those feasts and fasts that gave shape and meaning to the annual round in centuries past, replaced by a vague jumble of license and sentimentality. Even the names that once gave the year its form sound to most modern ears like the echoes of ancient runes — Epiphany, Candlemas, Good Friday, Ascension, Pentecost, Advent. They are still there, of course, but they are now private, not public, and certainly not listed in the Success Calendar.

The worldly among us doubtless rejoice at this overturning of the past. After all, they would argue, holy days were either the product of priestcraft creating a sequence of quite spurious events and calling them sacred or they were the result of medieval peasants in their ignorance and superstition seizing upon some supposedly virtuous person or doer of good works and calling him or her a saint, then proceeding to celebrate that person on a particular day (normally the birthday). All of this, they would argue, was encouraged by a self-serving and rapacious clerisy as a means of controlling the multitude and profiting from it for themselves.



But hold. Look at it from another perspective. Compare the religious work of the middle ages to so-called "service" jobs in contemporary society. Is it worse to clean the abbey or to hold down a "McJob"? Compare the one-quarter of the medieval year devoted to religious festivals and holy days to the modern phenomenon of at least an equal number of non-working days as a result of the four and five-day week and almost monthly three-day weekends, to say nothing of the average of days off for "sickness." As for ignorance and gullibility, the medieval peasant may have been willing to believe that witches brought plagues, but the modern urban peasant believes that government brings riches from some inexhaustible trove.

No, the real problem with the notion of holy days as the work of knaves duping fools is that it reflects the modern sin labelled by Owen Barfield as "chronological snobbery," namely, older times mean stupider times. The answer to which is the one T.S. Eliot gave when someone told him that we now know so much more than the writers and thinkers of the past knew. Eliot replied to the effect, yes, and *they* are what we know.

NONE OF which need be taken to mean that older times were not in many and profound ways different, only that they were not necessarily always ignorant and stupid. Where would you place your bets as to who is likely to know more about the night sky and the names of the stars and constellations, a medieval peasant or a modern boy in the 'hood?

By the same token, the age of faith may not necessarily be the historian's kindly term for the age of gullibility. It may mean what it says, which in turn may well mean that the medieval mind was in truth more spiritual, more capable of discerning a saint and more ready to do homage to the things that are

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not Caesar's. The eye of faith may indeed have seen things that are opaque to the eye of doubt.

And the eye of faith may still be there, closed and sleeping, waiting to be wooed back to life with the kiss of the spirit, much as the original meaning of words still resonates in their later forms and can be called back again. Put Christ back in Christmas, holy back in holiday, and God be with ye. CPR

BOOKS

Hayek's Worst Nightmare

The Cost of Talent: How Executives and Professionals Are Paid and How It Affects America, by Derek Bok, Free Press, New York, 1993, 342 pages, $22.95, cloth.

Reviewed by David F. Faustman

IT IS not surprising to learn that a college professor is of the opinion that college professors are very important, that they are seriously underpaid, and that the federal government should do something about it. Replace "college professors" with "farmers," "metal workers," or "artists," and the statement is similarly unnoteworthy; everybody can (and occasionally does) rationalize feeling overworked and underpaid. What is noteworthy is the fact that Derek Bok has transformed this trite and whiny notion into a pseudo-intellectual tract of almost 300 pages with more than 500 footnotes. The former president of Harvard suggests "now that we are free from the burdens of the cold war," we should "enter a new era in our nation's development."

Bok's "new era," however, is merely a reincarnation of the rhetorical gimmicks and collectivist agenda of George Bernard Shaw and the Fabian Socialists of the early years of this century. Bok's thesis is quite simple: On the one hand, people in the private sector (doctors, lawyers, corporate executives) make too much money. How much is "too much" is not entirely clear, but surely, as he undoubtedly intoned to his students in his law school days, Professor Bok knows it when he sees it. According to Bok, "bloated paychecks" and "unjustified wealth" abound. On the other hand, people in the public sector (teachers, college professors, federal bureaucrats) make too little money. How do we "justify these wide variations in pay"? Bok is apparently concerned that all the smart people are going into private sector jobs, and that dimmer wits are on the public payrolls. "As the demands of modern society continue to increase," he writes, "we must begin thinking of talent as a finite resource and start to worry more about how it is distributed among different occupations and professions." The answer: government intervention.

In moving from thesis to coercive solution, Bok first leads us through a rhetorical field of strawmen to the preposterous conclusion that "no effective competitive market regulates [private] professional compensation." Economists such as Adam Smith are dismissed as quaint relics of the past. "The complexities of our modern economy cast doubt on whether theories of competitive labor markets drawn from a simpler age can justify the earnings of successful professionals." In an amazing display of sophistry, Bok extrapolates from a few undeniable examples of flaws in the market for legal and medical services, and examples of a few "overpaid" corporate executives, to reach this conclusion. He, thus, attempts to sidestep any acknowledgement that most people in our vast free market economy are, by and large, paid what they are worth.

Then, we are treated to a display of claptrap born of an economic illiteracy worthy of Oliver Stone ("The doctrines of the eighties tended to rely indiscriminately on private markets"; "Lowering income tax rates" caused scandals in housing, banking, health care, and "even organized religion"). Next we must wade through a bog of utopian psychobabble ("Compensation policies in this country bear the mark of values that lie deep in our culture"; it is "grossly unfair" that well-paid private sector professionals have jobs that also "boost self esteem" and "personal growth"). There is the hint of disdain for commerce reminiscent of the effete gentry of centuries past who eschewed the merchant class. Finally, there is the undeniable redistribution agenda as Bok wonders "whether these vast earnings could be better used to help meet urgent human needs."

Bok's argument, essentially, is that it is unconscionable that people in the private sector make so darned much money. Government should impose steeply progressive income taxes to confiscate "earnings in excess of what competitive markets (or any other reasonable theory of social welfare) would allow." Having already dismissed the market as an unreliable arbiter of what someone should be paid, we are left with the inevitable result that someone (college professors? federal bureaucrats?) must now decide, using some "reasonable theory," what level of wealth is "unwarranted." Bok's road is unquestionably paved with good intentions, but it is a road about which we were warned by another, more enduring, academic scribbler 50 years ago.

FRIEDRICH HAYEK described in *The Road to Serfdom* that would-be "planners" such as Derek Bok, who idolize "modern expertise" and central-

David F. Faustman is a Los Angeles lawyer and a commentator on legal and economic issues.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ized bureaucracy, are "dangerous idealists" whose "intellectual hubris" in advocating socialism inevitably runs the risk of preparing the way for totalitarianism. For government to put limits on what a person can do and earn is fundamentally inimical to a free society. Free people do not have to "justify" to bureaucrats and professors what they earn; enslaved people do.

A final note on the hypocrisy of it all: In the preface, the author tells us that he worked on this "serious book" while living at a villa in Bellagio, Italy, graciously provided by the Rockefeller Foundation (whose wealth, apparently, Bok would not confiscate). This provides some interesting insight into how Professor Bok and his bureaucrat friends might use the wealth he does propose to confiscate from those who earn it in the private sector. *The Cost of Talent* is in the final analysis a waste of talent. The book is a sad example of polemics posing as scholarship and can only have the effect of fanning the fires of the disingenuous politics of class envy. CPR

Popular Culture

Taking Free Speech Much Too Far

The 'Rush Limbaugh Standard' Applied To Those *Other* Talk Shows

T. R. O'Neill-Lopez

RADIO AND television talk shows, you may have noticed, became a national danger in the eyes and words of America's cultural guardians just about the time Rush Limbaugh's audiences became too big to ignore any longer. This rouser of right-wing rabble, we were told, was taking free speech much too far. Not only did he lack "balance," but he was risking random violence or conceivably even mass rioting — could even civil war be entirely ruled out? — with his irresponsible stimulation of the fringe elements out there, by which liberals mean any members of the landslide national majorities that voted for Ronald Reagan.

It is only slightly this side of banality to observe one of these spasms of horn-rimmed liberal Cotton Matherism and report on the breathtaking hypocrisy it represented — banal because the double standard is so well-known and well-documented already, and, even more to the point, because liberals themselves are unmoved by the charge even when caught red-handed. If that's what it takes to win, their sentiment is, then all's fair. The same kind of insouciant slack is cut Bill Clinton when he lies, no matter how obviously or insultingly to our intelligence, if that's what it takes to win.

However, even at the risk of banality, I'm going to take a look at some of the *other* talk shows out there in light of the new "Limbaugh Standard," by which "taking free speech too far" is being determined.

Consider the question of "balance," for instance, and the "Tonight Show"'s Jay Leno. This column has praised Leno in the past for resisting the ever-present Hollywood temptation to conform rigidly with the Show Biz herd on such subjects as Bill Clinton's saintliness, but Jay may be slipping. He *did* invite Limbaugh himself to appear on the February 25 "Tonight Show" but steered the discussion away from serious issues about which Limbaugh could be expected to say something intelligently conservative. Instead, Leno wanted to talk about "extremists" — posing the problem as one in which radical feminists were to be found at one "extreme" and Rush at the other, with most Americans, including Leno, in the middle. This is a liberal's conception of "balance": claim the rational high ground for yourself and banish the opposition to the fevered extremes before any arguments are made that might allow a thoughtful assessment of both sides. But Limbaugh is used to this sort of attempted pre-emptive character-assassination by now, of course. Not so fast, he countered, pointing out that his 20 million listeners and eight million books sold confirm his mainstream status.

AS FOR the question of stirring up audience passions with possibly destructive results, consider the antics of one of Jay's rivals, Arsenio Hall. Bear in mind that the sort of thing Rush

T. R. O'Neill-Lopez is California Political Review's *roving correspondent on Popular Culture.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Limbaugh does to make the libs shudder about instigating mass mayhem is to play parodies of old rock and roll songs that make fun of Ted Kennedy's philandering or to quote feminists' own words, leaving their idiotic implications to speak for themselves. Compare that to a conversation on Arsenio's show last December 21, in which Hall asked Bill Cosby to name the most amazing person he'd ever met. Bill thought a moment and said, "a Jewish guy in San Jose, Herb Aptheker." That brought a blank look from Mr. Hall and silence from an audience that will laugh at or applaud virtually anything.

In fairness, it must be admitted that Coz so overshot his audience's heads that very little rioting or even comprehension is likely to result. It is true, nonetheless, that Mr. Aptheker, as it happens, is one of America's most faithful and prolific Stalinists. His major work is *The Truth About Hungary,* a truly loathsome tract that defended the 1956 Soviet invasion of Hungary. Cosby's attempt to lionize Aptheker should raise at least as many concerns as do Limbaugh's "Feminist Updates" among those who find Rush "frightening," but, of course, it won't.

Anyway, all this was put in the shade on Mr. Hall's February 25 show (coincidentally, the same night Leno was talking to Rush). Arsenio had on former calypso singer Louis Farrakhan, who doesn't like Jewish guys in San Jose or anywhere else.

"ARE YOU another Hitler?" asked the incisive host. Mr. Farrakhan indicated he wasn't. The crowd, evidently packed with Farrakhan fans, applauded. That disposed of that question. That's how talk shows establish truth: by the applause meter. Liberals find this sort of thing highly troubling when they think Limbaugh might be doing it, but never when it's Arsenio or Phil Donahue.

And no one seems to mind even genuinely inflammatory talk, so long as the talker is Mr. Farrakhan, whose rambling discourse on Arsenio's show went on, among other things, to accuse Jews of running the slave trade in centuries past. He did not explain how the Jews, whom he says control entertainment, failed to prevent his appearance.

Had Hall been interested in "balance," he could have posed some intriguing questions: Didn't Mohammed himself own slaves? Doesn't slavery still exist in some Islamic countries? Did not black Africans themselves participate in the slave trade?

Moving to more recent events, Hall might have asked Farrakhan about allegations linking him to the 1965 slaying of Malcolm X. (Malcolm's widow, Betty Shabazz, for instance, says Mr. Farrakhan was involved.) A "balance"-devotee-type host might have asked Farrakhan why he wrote (in the December 4, 1964, issue of *Muhammad Speaks)* that "The die is set and Malcolm shall not escape ... Such a man is worthy of death." What, Hall might have asked, did he mean by that?

Mr. Farrakhan, by the way, usually dismisses the whole Malcolm X issue as another "Jewish plot." But he didn't even have to go that far February 25 since Hall never asked. Actually, Arsenio's presence was quite unnecessary. It was Mr. Farrakhan's show. Had the host been Fawn Hall or even Monty Hall, a better job would probably have been done. For an equivalent, imagine David Letterman turning his show over to the head of the Aryan Nations to spout anti-black demonology at will — and no one among the cultured elites having anything critical to say about it.

BEYOND THE liberals' banal hypocrisy, however, there are legitimate grounds for questioning the growing influence of show business values over public political discourse, something Neil Postman explored in *Amusing Ourselves to Death* and Ron Brownstein examined in *The Power and the Glitter.* Hollywood support has become the "money primary." An actress, Jane Alexander, now runs the National Endowment for the Arts. Slick politicians like Hillary Clinton prefer to state their case on talk shows that people watch instead of statements that people read. If the politics-as-showbiz trend continues, some day a president will conclude a press conference by saying: "My time is up. You people have been great." If that day comes, it won't be Rush Limbaugh's doing. CPR

Pulliam

(Continued from page 22)

citizens who must bear the burden of a deteriorating urban environment."

We must have the resolve to insist that our legal system promote rather than subvert our institutions.* We must have the confidence to apply common sense in the face of the continuing assault on our culture. We must forget most of the conventional wisdom of the last generation, and remember what we used to know, and how it used to be. CPR

* Is it merely a coincidence that two of the three judges who formed the panel of the Court of Appeal that decided *Tobe v. City of Santa Ana* later joined in an opinion holding that the Orange County Council of the Boy Scouts of America cannot require its members to recite an oath affirming allegiance to God and country? *Randall v. Orange County Council,* Boy Scouts of America, 94 Daily Journal D.A.R. 2572 (Feb. 28, 1994). According to Justices Thomas Crosby (who wrote both *Tobe* and *Randall)* and Sheila Sonenshine (who concurred in both decisions), the homeless have constitutional rights but the Boy Scouts do not. The dissenting opinion in *Randall* described the majority decision as "genuflection to currently fashionable ideas as to what is politically correct." Amen.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Limbaugh does to make the libs shudder about instigating mass mayhem is to play parodies of old rock and roll songs that make fun of Ted Kennedy's philandering or to quote feminists' own words, leaving their idiotic implications to speak for themselves. Compare that to a conversation on Arsenio's show last December 21, in which Hall asked Bill Cosby to name the most amazing person he'd ever met. Bill thought a moment and said, "a Jewish guy in San Jose, Herb Aptheker." That brought a blank look from Mr. Hall and silence from an audience that will laugh at or applaud virtually anything.

In fairness, it must be admitted that Coz so overshot his audience's heads that very little rioting or even comprehension is likely to result. It is true, nonetheless, that Mr. Aptheker, as it happens, is one of America's most faithful and prolific Stalinists. His major work is *The Truth About Hungary,* a truly loathsome tract that defended the 1956 Soviet invasion of Hungary. Cosby's attempt to lionize Aptheker should raise at least as many concerns as do Limbaugh's "Feminist Updates" among those who find Rush "frightening," but, of course, it won't.

Anyway, all this was put in the shade on Mr. Hall's February 25 show (coincidentally, the same night Leno was talking to Rush). Arsenio had on former calypso singer Louis Farrakhan, who doesn't like Jewish guys in San Jose or anywhere else.

"ARE YOU another Hitler?" asked the incisive host. Mr. Farrakhan indicated he wasn't. The crowd, evidently packed with Farrakhan fans, applauded. That disposed of that question. That's how talk shows establish truth: by the applause meter. Liberals find this sort of thing highly troubling when they think Limbaugh might be doing it, but never when it's Arsenio or Phil Donahue.

And no one seems to mind even genuinely inflammatory talk, so long as the talker is Mr. Farrakhan, whose rambling discourse on Arsenio's show went on, among other things, to accuse Jews of running the slave trade in centuries past. He did not explain how the Jews, whom he says control entertainment, failed to prevent his appearance.

Had Hall been interested in "balance," he could have posed some intriguing questions: Didn't Mohammed himself own slaves? Doesn't slavery still exist in some Islamic countries? Did not black Africans themselves participate in the slave trade?

Moving to more recent events, Hall might have asked Farrakhan about allegations linking him to the 1965 slaying of Malcolm X. (Malcolm's widow, Betty Shabazz, for instance, says Mr. Farrakhan was involved.) A "balance"-devotee-type host might have asked Farrakhan why he wrote (in the December 4, 1964, issue of *Muhammad Speaks)* that "The die is set and Malcolm shall not escape ... Such a man is worthy of death." What, Hall might have asked, did he mean by that?

Mr. Farrakhan, by the way, usually dismisses the whole Malcolm X issue as another "Jewish plot." But he didn't even have to go that far February 25 since Hall never asked. Actually, Arsenio's presence was quite unnecessary. It was Mr. Farrakhan's show. Had the host been Fawn Hall or even Monty Hall, a better job would probably have been done. For an equivalent, imagine David Letterman turning his show over to the head of the Aryan Nations to spout anti-black demonology at will — and no one among the cultured elites having anything critical to say about it.

BEYOND THE liberals' banal hypocrisy, however, there are legitimate grounds for questioning the growing influence of show business values over public political discourse, something Neil Postman explored in *Amusing Ourselves to Death* and Ron Brownstein examined in *The Power and the Glitter.* Hollywood support has become the "money primary." An actress, Jane Alexander, now runs the National Endowment for the Arts. Slick politicians like Hillary Clinton prefer to state their case on talk shows that people watch instead of statements that people read. If the politics-as-showbiz trend continues, some day a president will conclude a press conference by saying: "My time is up. You people have been great." If that day comes, it won't be Rush Limbaugh's doing. CPR

Pulliam

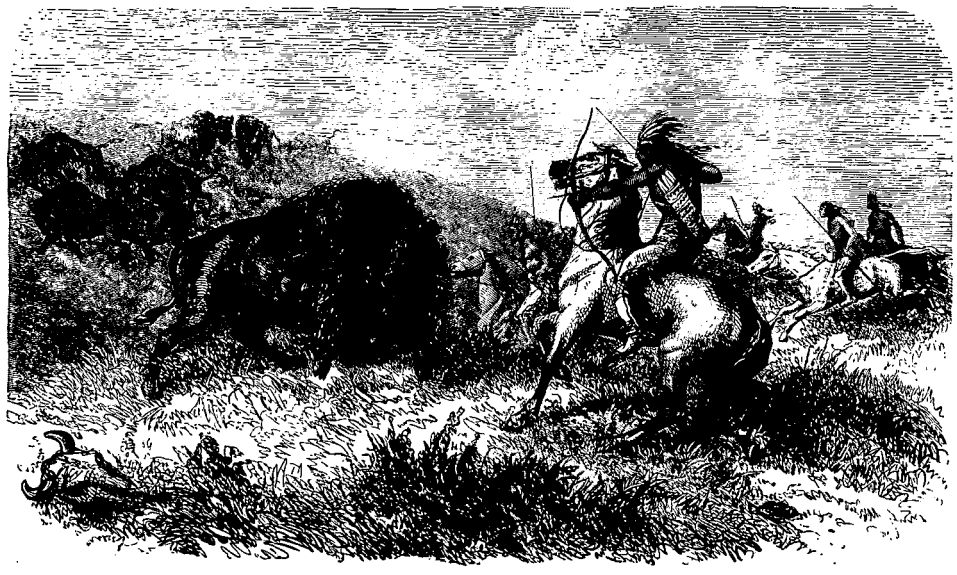
(Continued from page 22)

citizens who must bear the burden of a deteriorating urban environment."

We must have the resolve to insist that our legal system promote rather than subvert our institutions.* We must have the confidence to apply common sense in the face of the continuing assault on our culture. We must forget most of the conventional wisdom of the last generation, and remember what we used to know, and how it used to be. CPR

* Is it merely a coincidence that two of the three judges who formed the panel of the Court of Appeal that decided *Tobe v. City of Santa Ana* later joined in an opinion holding that the Orange County Council of the Boy Scouts of America cannot require its members to recite an oath affirming allegiance to God and country? *Randall v. Orange County Council,* Boy Scouts of America, 94 Daily Journal D.A.R. 2572 (Feb. 28, 1994). According to Justices Thomas Crosby (who wrote both *Tobe* and *Randall)* and Sheila Sonenshine (who concurred in both decisions), the homeless have constitutional rights but the Boy Scouts do not. The dissenting opinion in *Randall* described the majority decision as "genuflection to currently fashionable ideas as to what is politically correct." Amen.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Gun Control

(Continued from page 28)

fornia, the right to carry has been obliterated by laws that require a police license to carry a gun — concealed *or* openly — for protection and by police administrators who give out carry licenses only to the political elite. In Los Angeles, police chiefs such as Daryl Gates and Willie Williams refused to issue handgun carry permits under any circumstances, even to stalking victims. A lawsuit brought by victims of criminal threats helped end Los Angeles's worst abuses. San Diego recently enacted legislation reforming that city's carry permit application process.

But statewide reforms remains necessary in California, and in other states. Several California legislators, including Senator Maurice Johannessen and Assemblyman Ross Johnson have proposed that applicants for a permit to carry a firearm for protection must undergo safety training and must submit to a police background check. Then, if the applicant passes the safety class and background check, he or she is to be granted a license to carry. Bureaucratic discretion to deny permits to qualified citizens simply because the bureaucrat does not like guns would be removed. A law similar to the Johannessen and Johnson reform proposals was enacted in Florida in 1987, amidst vociferous cries from gun control supporters in the Legislature that blood would run in the streets as Floridians shot each other while jostling in line at fast-food restaurants. Florida would become the "Gunshine State," it was warned.

TODAY, THOSE same critics have admitted that they were wrong and that they regret the harm done to Florida's reputation by the histrionic campaign against carry reform. Indeed, while the murder rate has risen 14 percent nationally from 1986 to 1991, it has fallen 20 percent in Florida. The state's total murder rate was 36 percent higher than the U.S. murder rate in 1986, and is now four percent below the national average. In the same period, robbery rose nine percent in Florida, and 21 percent nationally.

There has been no research proving that Florida's carry reform was part of the reason for Florida's relative improvement in recent years. But the experience of Florida, and of 15 other carry reform states — including Oregon, Montana, Mississippi, and Pennsylvania — demonstrates that people who are already good citizens and who are willing to pass through a licensing process do not suddenly turn into murderous psychopaths when granted a permit to carry a firearm for protection.

While tragic mass murders are frequently used by the pro-control lobby to push restrictive laws, evidence suggests that prohibitory laws regarding firearms carrying may be costing innocent lives. In October 1991 in Killeen, Texas, a psychopath named George Hennard rammed his pickup truck through the plate glass window of a Luby's cafeteria. Using a pair of ordinary pistols, he murdered 23 people in 10 minutes, stopping only when the police arrived. Dr. Suzanna Gratia, a cafeteria patron, had a gun in her car, but, in conformity with Texas law, the gun was not carried on her person; Texas, despite its Wild West image, has the most severe law in the country against carrying firearms. Carry reform legislation had almost passed the Legislature but had been stopped in the House Calendars Committee by the gun control lobby.

Dr. Gratia later testified that if she had been carrying her gun, she could have shot at Hennard: "I know what a lot of people think, they think: 'Oh, my God, then you would have had a gunfight and then more people would have been killed.' Unhunh, no. I was down on the floor; this guy is standing up; everybody else is down on the floor. I had a perfect shot at him. It would have been clear. I had a place to prop my hand. The guy was not even aware of what we were doing. I'm not saying that I could have saved anybody in there, but I would have had a chance." Hennard reloaded five times, and had to throw away one pistol because it jammed, so there was plenty of opportunity for someone to fire at him.

EVEN IF Dr. Gratia hadn't killed or wounded Hennard, he would have had to dodge hostile gunfire, and wouldn't have been able methodically to finish off his victims as they lay

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wounded on the floor. The hypothetical risks of a stray bullet from Dr. Gratia would have been small compared to the actual risks of Hennard facing no resistance. But because of the Texas law, Dr. Gratia wasn't carrying a gun, and couldn't take a shot at Hennard. Instead, she watched him murder both her parents.

TWO MONTHS later, a pair of criminals with stolen pistols herded 20 customers and employees into the walk-in refrigerator of a Shoney's restaurant in Anniston, Alabama. Hiding under a table in the restaurant was Thomas Glenn Terry, armed with the .45 semi-automatic pistol he carried legally under Alabama law. One of the robbers discovered Terry, but Terry killed him with five shots in the chest. The second robber, who had been holding the manager hostage, shot at Terry and grazed him. Terry returned fire, and mortally wounded the robber.

Twenty-three people died in Killeen, where carrying a gun for self-defense was illegal. Twenty lives were saved, and only the two criminals died in Anniston, where self-defense permits are legal. Yet while Anniston never made the network news, Killeen did, and is introduced to this day as supposed proof of the need for severe gun controls. Precisely because lives are saved, instances of citizens using firearms carried on their person to defend themselves and others rarely make the national news, even though such defensive acts occur with great frequency, as Professor Kleck's research demonstrates.

Real Gun Control

Gun control, properly conceived, is not simply a matter of passing laws, or adding to the paperwork involved in retail gun purchases. Gun control needs to involve people control, or more precisely, helping people take control of their own actions. In this regard, the NRA's gun safety programs rank as America's most successful gun control efforts.

The National Rifle Association was founded in 1871 by Union Army Generals dismayed at the poor marksmanship displayed by Union forces during the recent war. To this day, the NRA has placed heavy emphasis on its mission to train American citizens in responsible and effective firearms handling. Happily, the fatal gun accident rate is now at an all-time low. In 1945, there were about 350,000 firearms for every 1 million Americans, and the fatal gun accident rate was 18 per million. Today, there about 850,000 guns per 1 million Americans, and 6 accidents. As the gun supply per capita more than doubled, fatal accidents fell by two-thirds.

NRA safety programs implemented by the 32,000 instructors and coaches who have earned NRA Instructor certification have played an important role in the accident drop, and will become even more important in coming years as more and more women choose to own handguns. Since women gun owners are more likely to own for protection and are less likely than male gun owners to have been initiated in sport shooting by an older male relative, safety training for these new gun owners is especially important, and the NRA has, accordingly, set up a program offering free safety training *(sans* Second Amendment ideology) to women.

The fatal firearm accident total for children aged 0-14 has fallen from 550 in 1975 to 250 in 1988. While the NRA has always had junior shooting and hunting programs that emphasize the development of safe sporting gun use under adult supervision, in 1988 the organization launched a safety campaign aimed at the millions of children who never have any exposure to the shooting sports.

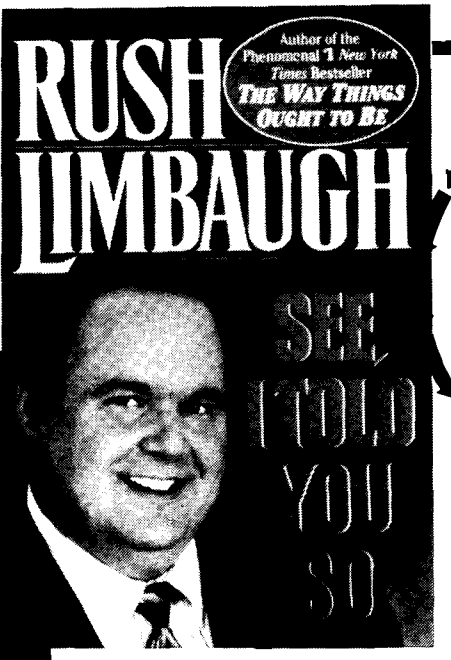
The NRA's Eddie Eagle program is geared for children in pre-school through sixth grade. Using teacher-tested materials such as an animated video, cartoon workbooks, role-playing, and fun safety activities, Eddie Eagle teaches the single lesson: "If you see a gun, don't touch it, leave the area, tell an adult." Or in the three word summary: "No, Go, Tell."

ENDORSED BY the Police Athletic League and other police groups, Eddie Eagle has been distributed all over the country, to almost 4 million children. Unfortunately, it has been excluded from some urban school systems by administrators who refuse to let their pupils contact anything related to the NRA, even though the Eddie Eagle curriculum does not discuss political issues. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BILL CLINTON, LIAR

FEATURED: One entire chapter — an avalanche of promises Clinton broke, plus the lies that keep right on pouring out



Rush's new one — funnier and more outrageous (to the liberals) than last year's blockbuster

#1 bestseller — yours FREE!

How did an "archconservative" talk-show host become the nation's top-selling author? Simple. Rush gives his readers just what he gives his listeners: fearless truth-telling, in the Politically Incorrect mode . . . and everything served up to make you howl with honest laughter. (As for the liberals, well, they just howl.)

Can you speak liberalese?

Hurry — Dr. Limbaugh is about to start his class . . .

bigot: someone winning an argument with a liberal

rich: anyone with a job in the private sector

share: steal

special interests: people who disagree with liberals

taxpayer: rich person

You get the idea. Rush has about 250 more for you.

Is Rush really cruel and unfair?

We have to admit that he is. What could be more unfair than to remind some liberal of something he said last year? What could be crueler than to quote their miles-off predictions? Their broken promises? Why, it's nothing short of *insensitive*.

But in between laughs, Rush serves up some provocative ideas. He even dares to be optimistic. For example, his eight-point plan to reunite conservatives and rescue the Republican party from creeping Beltwayism. Just because you're enjoying Rush, don't think he isn't dead serious.

***How to get Rush's new $24 bestseller* FREE**

How the Club Works

Every 4 weeks (13 times a year) you get a free copy of the Club Bulletin which offers you the Featured Selection plus a good choice of Alternates — all of interest to conservatives. ★ If you want the Featured Selection, do nothing; it will come automatically. ★ If you don't want the Featured Selection, or you do want an Alternate, indicate your wishes on the handy card enclosed with your Bulletin and return it by the deadline date. ★ The majority of Club books are offered at 20-50% discounts, plus a charge for shipping and handling. ★ As soon as you buy and pay for 3 books at regular Club prices, your membership may be ended at any time, either by you or by the Club. ★ If you ever receive a Featured Selection without having had 10 days to decide if you want it, you may return it at Club expense for full credit. ★ Good service. No computers! ★ The Club will offer regular Superbargains, mostly at 70-90% discounts plus shipping and handling. Superbargains do NOT count toward fulfilling your Club obligation, but do enable you to buy fine books at giveaway prices. ★ Only one membership per household.

CONSERVATIVE BOOK CLUB

33 Oakland Avenue • Harrison, N.Y. 10528

Please accept my membership in the Club and send, free and postpaid, Rush Limbaugh's $24 bestseller, *See, I Told You So*. I agree to buy 3 additional books at regular Club bargain prices over the next 18 months. I also agree to the Club rules spelled out in this coupon. **CPR-10**

Name_____

Address _____

City_____ State____ Zip_____

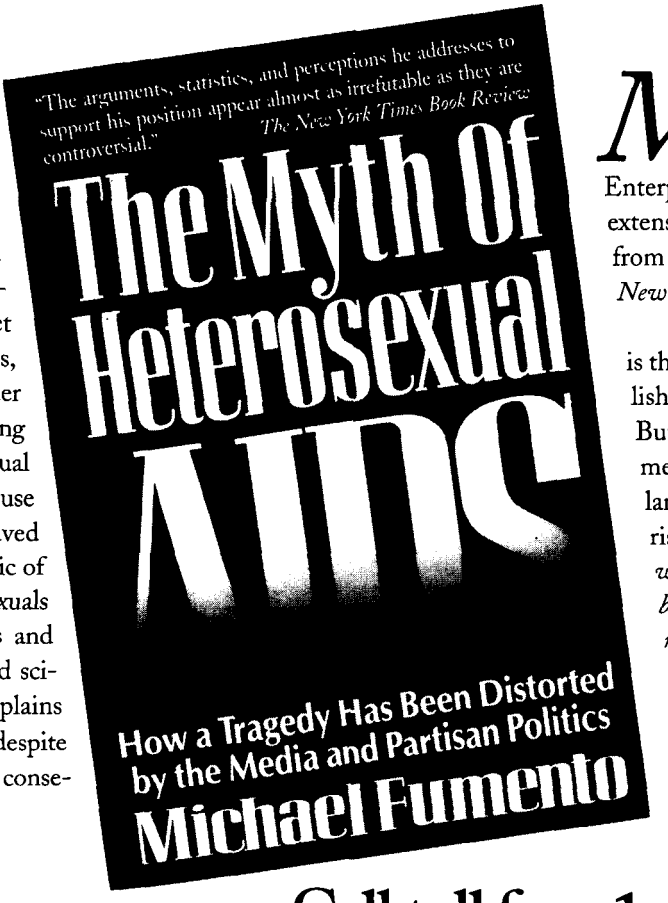
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Are you honest enough to admit the truth?

AIDS Does Discriminate

> "... the best single source available to enable heterosexual persons to assess their personal risk and, as an informed electorate, take a closer look at overall health care spending, particularly the power of political action committees, the media hype, and the influence of AIDS alarmists."
>
> *Journal of the American Medical Association*

The Myth of Heterosexual AIDS dismisses the claim that AIDS has "broken out" in the heterosexual population—or that it ever will. Author Michael Fumento contends that heterosexuals do get AIDS: from shared need- les, from blood transfusions and other blood products before screening began, and sometimes from sexual intercourse with people who use shared needles or have received infected blood. But the epidemic of heterosexuals infecting heterosexuals is a myth invented by activists and the media. With hard facts and scientific evidence, Fumento explains why these claims are publicized despite their truthlessness—with tragic consequences for all Americans.


"The arguments, statistics, and perceptions he addresses to support his position appear almost as irrefutable as they are controversial."
The New York Times Book Review
The Myth Of Heterosexual AIDS
How a Tragedy Has Been Distorted by the Media and Partisan Politics
Michael Fumento

Michael Fumento is the 1994 Warren Brooks Fellow at the Competitive Enterprise Institute. He has written extensively about AIDS in magazines from *The American Spectator* to *The New Republic.*

The Myth of Heterosexual AIDS is the most significant book ever published on the epidemic that wasn't. But despite the book, the government is still spending billions of dollars a year to educate those least at risk—*their efforts are comparable to waging a national campaign against breast cancer aimed exclusively at men!*

The Myth of Heterosexual AIDS will be the most important book on AIDS you will ever read. Guaranteed.

Call toll free 1-800-955-5493

Yes! Please rush me ____ copies of *The Myth of Heterosexual AIDS.* I have enclosed $14.95 for each copy plus $4.00 shipping and handling (please add $1.00 shipping and handling for each additional copy.)

❑ Check enclosed or
❑ Charge my: ❑ Visa ❑ MC ❑ AmEx

Name _____

Address _____

City/State/Zip _____

Phone _____

Credit Card Number _____

Expiration Date _____

REGNERY PUBLISHING, INC.
Established 1947
An Eagle Publishing Company

Regnery Publishing, Inc. P.O. Box 39 Federalsburg, MD 21632-0039

CPR01

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED